

110TH CONGRESS  
1ST SESSION

# S. 1367

To amend the Public Health Services Act to provide methamphetamine prevention and treatment services.

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IN THE SENATE OF THE UNITED STATES

MAY 10, 2007

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Services Act to provide methamphetamine prevention and treatment services.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Treatment and Preven-  
5 tion of Methamphetamine Abuse Act”.

6 **SEC. 2. FINDINGS.**

7        Congress makes the following findings:

8            (1) Methamphetamine addiction is a public  
9 health crisis. Nearly 12,000,000 Americans have  
10 used methamphetamine, and the number of users in-

1        creased 72 percent over the past decade. There is a  
2        high rate of use in rural areas, but the methamphet-  
3        amine epidemic is spreading into new populations  
4        across the country.

5            (2) Violent crime increased significantly in  
6        2005 for the first time since 1991. Overall violent  
7        crime was up 2.5 percent and murders jumped 4.8  
8        percent. The increase in crime was most evident in  
9        the methamphetamine-plagued Midwest with mur-  
10        ders, robberies, rapes and aggravated assaults in-  
11        creasing by 5.7 percent just between 2004 and  
12        2005.

13            (3) Although 22,000,000 people are in need of  
14        treatment for substance addiction, only 3,000,000  
15        are able to get help.

16            (4) In 2003, women entering substance abuse  
17        treatment with methamphetamine as their drug of  
18        choice exceeded women who entered treatment fo-  
19        cused on alcohol, heroin, cocaine, or marijuana.

20            (5) Parental substance use is the culprit in at  
21        least 70 percent of all child welfare spending.

22            (6) Children living in homes with parents ad-  
23        dicted to methamphetamines have multiple interven-  
24        tion needs which require coordinated planning by

1 healthcare, mental health, and social service profes-  
2 sionals.

3 (7) Youth are starting to use methamphetamine  
4 in greater numbers, and the age at which youth  
5 users start using is decreasing. About 17 percent of  
6 all methamphetamine users started between the ages  
7 of 17 and 18, 18 percent between 15–16, 11 percent  
8 between 13–14, and 6 percent started when they  
9 were 12 or under.

10 (8) About 80 percent of those in prison have  
11 been identified as having a substance abuse problem  
12 and one-third of State prison inmates reported being  
13 under the influence at the time of their offense.

14 (9) Substance use disorder treatment is effec-  
15 tive. An Iowa study found that over 70 percent of  
16 those receiving treatment for methamphetamine ad-  
17 diction were abstinent 6 months after treatment.

18 (10) Every dollar spent on substance abuse  
19 treatment saves taxpayers 7 dollars, primarily  
20 through savings related to crime and health care  
21 costs.

22 **SEC. 3. FAMILY-BASED TREATMENT.**

23 (a) IN GENERAL.—Section 508 of the Public Health  
24 Service Act (42 U.S.C. 290bb–1) is amended—

1           (1) by redesignation subsection (r) as sub-  
2           section (s); and

3           (2) by inserting after subsection (q), the fol-  
4           lowing:

5           “(r) FAMILY-BASED METHAMPHETAMINE TREAT-  
6           MENT.—

7           “(1) IN GENERAL.—The Secretary, acting  
8           through the Administrator and in consultation with  
9           the Director of the National Institute on Drug  
10          Abuse, shall award grants under this section to pro-  
11          vide residential substance abuse treatment to preg-  
12          nant and postpartum women, including—

13                 “(A) parenting women substance abuse  
14                 treatment (including treatment for addiction to  
15                 methamphetamine); and

16                 “(B) outpatient treatment services, that  
17                 are accessible to pregnant and parenting women  
18                 in health disparity populations.

19           “(2) SINGLE STATE AGENCIES.—Grants under  
20          this subsection shall be coordinated through single  
21          State agencies for substance abuse.

22           “(3) PRIORITY.—In awarding grants under this  
23          subsection, the Secretary shall give priority to any  
24          applicants that agree to use grant funds for pro-  
25          grams that serve—

1           “(A) an area that is a rural area, an area  
2           with a shortage of mental health and addiction  
3           treatment professionals, or an area with a  
4           shortage of family-based substance abuse treat-  
5           ment options; or

6           “(B) an area that has high rates of addic-  
7           tion to methamphetamine or other drugs.”.

8           (b) REAUTHORIZATION OF PROGRAM.—Section  
9           508(s) of the Public Health Service Act, as redesignated  
10          under subsection (a), is amended by striking “such sums”  
11          and all that follows through “2003” and inserting  
12          “\$40,000,000 for each of fiscal years 2008 through 2010,  
13          \$38,000,000 for fiscal year 2011, and \$35,000,00 for fis-  
14          cal year 2012”.

15          (c) ALTERNATIVES TO JAIL OR DETENTION.—Part  
16          B of title V of the Public Health Service Act (42 U.S.C.  
17          290bb-1 et seq.) is amended—

18                 (1) by redesignating the second section 514 (re-  
19                 lating to methamphetamine) as section 514B and  
20                 transferring such section so as to appear after sec-  
21                 tion 514A; and

22                 (2) by adding at the end the following:



1 abuse treatment program to be carried out under  
2 the award—

3 “(A) is a comprehensive, long-term family  
4 treatment program that is focused on the treat-  
5 ment of the parent and child;

6 “(B) requires that each parent offender  
7 who participates in the program be sentenced  
8 by a court to, or placed by a court with, a long-  
9 term family treatment program (which includes  
10 a residential component);

11 “(C) includes mandatory periodic drug  
12 testing; and

13 “(D) allows for judges to have the discre-  
14 tion to sentence parents who do not successfully  
15 complete their prescribed treatment plan to  
16 serve a prison or detention sentence that is  
17 commensurate with the crime involved.

18 “(5) PRIORITY.—In making awards under this  
19 subsection, the Secretary shall give priority to any  
20 entity that, as part of the application under para-  
21 graph (2), agrees to use the award for programs  
22 serving—

23 “(A) an area that is a rural area, an area  
24 with a shortage of mental health professionals,  
25 or an area with a shortage of family-based sub-

1           stance abuse and addiction treatment options;  
2           or

3                   “(B) an area that has high rates of addic-  
4           tion to methamphetamine or other drugs.

5           “(6) AUTHORIZATION OF APPROPRIATIONS.—

6           There is authorized to be appropriated to carry out  
7           this subsection, \$20,000,000 for each of fiscal years  
8           2008 through 2012.

9           “(b) TRANSITIONAL SERVICES.—

10                   “(1) IN GENERAL.—The Secretary, in consulta-  
11           tion with the Director of the National Institute on  
12           Drug Abuse, shall award grants to States to provide  
13           transitional, research-based, community-based recov-  
14           ery-support services to address social, educational,  
15           vocational, mental health, and substance abuse needs  
16           of parents and families transitioning out of treat-  
17           ment.

18                   “(2) APPLICATION.—To be eligible to receive a  
19           grant under this subsection, a State shall submit to  
20           the Secretary an application at such time, in such  
21           manner, and containing such information as the Sec-  
22           retary may require.

23                   “(3) PRIORITY.—In awarding grants under this  
24           subsection, the Secretary shall give priority to a

1 States that agree to use grant funds for programs  
2 serving—

3 “(A) an area that is a rural area, an area  
4 with a shortage of mental health professionals,  
5 or an area with a shortage of family-based sub-  
6 stance abuse treatment options; or

7 “(B) an area that has high rates of addic-  
8 tion to methamphetamine or other drugs.

9 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
10 There is authorized to be appropriated to carry out  
11 this subsection, \$24,000,000 for each of fiscal years  
12 2008 through 2010.”.

13 (d) ADULT AND JUVENILE ALTERNATIVES.—

14 (1) IN GENERAL.—The Secretary of Health and  
15 Human Services, jointly with the Attorney General  
16 and in consultation with the Administrator and the  
17 Director of the National Institute on Drug Abuse,  
18 shall award grants, cooperative agreements, or con-  
19 tracts to eligible entities to assist local jails and de-  
20 tention facilities in providing comprehensive sub-  
21 stance abuse treatment services as alternatives to in-  
22 carceration to adults or juveniles who have com-  
23 mitted nonviolent offenses.

24 (2) APPLICATION.—To be eligible to receive an  
25 award under this subsection, an entity shall submit

1 to the Secretary, jointly with the Attorney General,  
2 an application at such time, in such manner, and  
3 containing such information as the Secretary may  
4 require.

5 (3) ALTERNATIVES TO JAIL PROGRAMS.—To be  
6 eligible for an award under this subsection an entity  
7 shall demonstrate that the alternatives to jail pro-  
8 gram to be carried out under the award—

9 (A) is comprehensive and evidenced-based;

10 (B) requires that each participant be sen-  
11 tenced by a court to, or placed by a court with,  
12 a long-term treatment program (which includes  
13 a residential component);

14 (C) includes mandatory periodic drug test-  
15 ing;

16 (D) allows for judges to have the discretion  
17 to sentence parents who do not successfully  
18 complete their prescribed treatment plan to  
19 serve a prison or detention sentence that is  
20 commensurate with the crime involved; and

21 (E) include a rigorous evaluation compo-  
22 nent.

23 (4) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated from funds  
25 made available to carry out part S of title I of the

1 Omnibus Crime Control and Safe Streets Act of  
 2 1968, \$40,000,000 for each of fiscal years 2008  
 3 through 2010, 38,000,000 for fiscal year 2011, and  
 4 \$35,000,000 for fiscal year 2012, to carry out this  
 5 subsection.

6 (e) HOUSING OPPORTUNITIES.—

7 (1) IN GENERAL.—Subtitle F of title IV of the  
 8 McKinney-Vento Homeless Assistance Act (42  
 9 U.S.C. 11403 et seq.) is amended by adding at the  
 10 end the following:

11 **“PART VI—RECOVERY-BASED HOUSING**

12 **SUPPORTS**

13 **“SEC. 489. RECOVERY-BASED HOUSING SUPPORTS.**

14 “(a) IN GENERAL.—The Secretary of Housing and  
 15 Urban Development (referred to in this section as the  
 16 ‘Secretary’), in collaboration with the Secretary of Health  
 17 and Human Services, shall award grants, contracts, or co-  
 18 operative agreements to eligible entities for the conduct  
 19 of recovery-based housing support activities.

20 “(b) ELIGIBILITY.—To be eligible to receive a grant,  
 21 contract, or cooperative agreement under this section, an  
 22 entity shall—

23 “(1) be a coalition or partnership that—

24 “(A) shall include a substance abuse pro-  
 25 vider;

1 “(B) shall include—

2 “(i) a homeless service provider;

3 “(ii) a nonprofit, nongovernmental  
4 community housing development or a De-  
5 partment of Agriculture rural housing  
6 service program; or

7 “(iii) with respect to tribal lands, in  
8 the case of tribal lands that are not served  
9 by a homeless service provider or a non-  
10 profit, nongovernmental community hous-  
11 ing development organization, a tribally  
12 designated housing entity or tribal housing  
13 consortium; and

14 “(C) may include—

15 “(i) housing developers, housing cor-  
16 porations, State housing finance agencies,  
17 other housing agencies, and representing  
18 landlords;

19 “(ii) a public housing agency or trib-  
20 ally designated housing entity;

21 “(iii) tenant organizations in public or  
22 tribally designated housing, as well as non-  
23 profit, nongovernmental tenant organiza-  
24 tions;

1                   “(iv) other nonprofit, nongovern-  
2                   mental organizations participating in the  
3                   Department of Housing and Urban Devel-  
4                   opment’s Continuum of Care process;

5                   “(v) a State, tribal, territorial, or local  
6                   government or government agency; and

7                   “(2) submit to the Secretary an application, at  
8                   such time, in such manner, and containing such in-  
9                   formation as the Secretary may require.

10                  “(c) ELIGIBLE ACTIVITIES.—Entities may use  
11 amounts received under a grant, contract, or cooperative  
12 agreement under this section to carry out the following  
13 activities:

14                  “(1) The construction of new housing units to  
15                  provide transitional or permanent housing for indi-  
16                  viduals recovering from substance abuse.

17                  “(2) The acquisition or rehabilitation of a  
18                  structure to provide supportive services or to provide  
19                  transitional or permanent housing, other than emer-  
20                  gency shelter.

21                  “(3) The leasing of property, or portions of  
22                  property, not owned by the recipient or project spon-  
23                  sor involved, for use in providing transitional or per-  
24                  manent housing, or providing supportive services.

1           “(4) The provision of rental assistance to pro-  
2           vide transitional or permanent housing to eligible in-  
3           dividuals. The rental assistance may include tenant-  
4           based or project-based rental assistance.

5           “(5) The payment of operating costs for hous-  
6           ing units assisted under this section.”.

7           (2) AUTHORIZATION OF APPROPRIATIONS.—  
8           Section 463 of the McKinney-Vento Homeless As-  
9           sistance Act (42 U.S.C. 11403h) is amended by add-  
10          ing at the end the following:

11          “(c) RECOVERY-BASED RENTAL ASSISTANCE.—  
12          There is authorized to be appropriated to carry out part  
13          VI, \$15,000,000 for each of fiscal years 2008 through  
14          2012.”.

15          **SEC. 4. SERVICES FOR CHILDREN AND ADOLESCENTS.**

16          (a) COURT TEAMS.—Title II of the Juvenile Justice  
17          and Delinquency Prevention Act of 1974 (42 U.S.C. 5611  
18          et seq.) is amended—

19                  (1) by redesignating part F as part G; and

20                  (2) by inserting after part E the following new  
21          part:

**“PART F—COURT TEAMS****2 “SEC. 271. COURT TEAMS PROGRAM AUTHORIZED.**

3 “(a) GRANT AUTHORIZED.—The Administrator shall  
4 award a grant to a national early childhood development  
5 organization to—

6 “(1) establish a National Court Teams Re-  
7 source Center to—

8 “(A) promote the well-being of maltreated  
9 infants and toddlers and their families (includ-  
10 ing the special problems created by substance  
11 abuse, particularly methamphetamine abuse);

12 “(B) help prevent the recurrence of abuse  
13 and neglect of children; and

14 “(C) promote timely reunification of fami-  
15 lies or other successful permanency outcomes  
16 for maltreated infants and toddlers in foster  
17 care; and

18 “(2) select, and provide assistance to, local  
19 Court Teams created to achieve the goals described  
20 in paragraph (1).

21 “(b) GRANT DURATION.—The grant awarded under  
22 this part shall be for a period of 5 years, and shall be  
23 renewable at the discretion of the Administrator.

1 **“SEC. 272. NATIONAL COURT TEAMS RESOURCE CENTER.**

2 “(a) ASSISTANCE TO LOCAL COURT TEAMS.—Assist-  
3 ance provided to local Court Teams by the National Court  
4 Teams Resource Center shall include—

5 “(1) providing direction, coordination, and over-  
6 sight of the implementation of local Court Teams;

7 “(2) providing a Local Community Coordinator  
8 for each local Court Team;

9 “(3) providing training and technical assistance  
10 to local Court Teams; and

11 “(4) organizing local training for community  
12 members of jurisdictions in which local Court Teams  
13 are located, which shall relate to the particular needs  
14 of infants and toddlers exposed to maltreatment and  
15 trauma.

16 “(b) GENERAL ACTIVITIES.—The national early  
17 childhood development organization receiving the grant  
18 authorized under section 271 shall establish and maintain  
19 a National Court Teams Resource Center, which shall also  
20 carry out the following activities:

21 “(1) Develop a process for selecting, and select,  
22 local Court Teams to receive assistance under this  
23 part.

24 “(2) Develop materials to guide qualified judges  
25 in the decision-making process regarding maltreated  
26 infants and toddlers, and to train members of local

1 Court Teams and others in the community regarding  
2 the appropriate care of maltreated infants and tod-  
3 dlers.

4 “(3) Conduct national meetings and training  
5 sessions for local Court Teams.

6 “(4) Develop a database that shall be—

7 “(A) available to each local Court Team to  
8 track such Court Team’s progress; and

9 “(B) used by the National Court Teams  
10 Resource Center to facilitate evaluation of the  
11 local Court Teams receiving assistance under  
12 this part.

13 “(5) Provide information to communities and  
14 courts around the country seeking to adopt the  
15 Court Teams approach.

16 **“SEC. 273. EVALUATIONS AND REPORTS.**

17 “(a) **EVALUATION FORM.**—Not later than 6 months  
18 after the date of the enactment of this Act, the National  
19 Court Teams Resource Center shall create, and distribute  
20 to each local Court Team, an evaluation form that shall  
21 be used to periodically collect any data from local Court  
22 Teams that the National Court Teams Resource Center  
23 determines may be relevant to the reports required by sub-  
24 section (b).

1       “(b) REPORTS TO CONGRESS BY THE ADMINIS-  
2 TRATOR.—At the end of the three-year period beginning  
3 on the date of the enactment of this Act, and again at  
4 the end of the five-year period beginning on such date of  
5 enactment, the Administrator shall—

6           “(1) compile the data collected in the periodic  
7 evaluation forms completed by each local Court  
8 Team;

9           “(2) conduct a national evaluation of Court  
10 Teams, based on such compilation of data; and

11          “(3) report to Congress on the effectiveness of  
12 Court Teams, including the extent to which local  
13 Court Teams are—

14           “(A) improving access to services for mal-  
15 treated infants and toddlers;

16           “(B) reducing the recurrence of abuse and  
17 neglect;

18           “(C) promoting permanent placements of  
19 maltreated infants and toddlers; and

20           “(D) improving the developmental out-  
21 comes for maltreated infants and toddlers who  
22 have been in foster care.”.

23       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
24 299 of the Juvenile Justice and Delinquency Prevention  
25 Act of 1974 (42 U.S.C. 5671) is amended—

1 (1) in subsection (a)—

2 (A) in the header, by striking “PARTS C  
3 AND E)” and inserting “PARTS C, E, AND F)”;  
4 and

5 (B) in paragraph (2), by striking “parts C  
6 and E)” and inserting “parts C, E, and F)”;

7 (2) by redesignating subsection (d) as sub-  
8 section (e); and

9 (3) by inserting after subsection (c) the fol-  
10 lowing new subsection:

11 “(d) AUTHORIZATION OF APPROPRIATIONS FOR  
12 PART F.—There are authorized to be appropriated to  
13 carry out part F, \$5,000,000 for each of fiscal years 2008,  
14 2009, 2010, 2011, and 2012.”.

15 (c) SUBSTANCE ABUSE TREATMENT SERVICES FOR  
16 YOUTH.—Part B of title V of the Public Health Service  
17 Act (42 U.S.C. 290bb–1 et seq.), as amended by section  
18 3(c), is further amended by adding at the end the fol-  
19 lowing:

20 **“SEC. 514D. EXPANSION OF SUBSTANCE ABUSE TREAT-**  
21 **MENT SERVICES FOR YOUTH.**

22 “(a) IN GENERAL.—The Secretary shall expand ef-  
23 forts under the Assertive Adolescent and Family Treat-  
24 ment grant program under section 514 to address gaps  
25 in the provision of substance abuse services or to increase

1 the ability of States, units of local government, federally  
2 recognized Indian tribes, tribal organizations, and  
3 community- and faith-based organizations to assist spe-  
4 cific populations or geographic areas with serious, emerg-  
5 ing substance abuse problems.

6 “(b) PRIORITY.—In awarding grants, contracts, or  
7 cooperative agreements under subsection (a), the Sec-  
8 retary shall give priority to applicants that propose to—

9 “(1) utilize emerging best practices for the  
10 treatment of substance abuse among children and  
11 adolescents;

12 “(2) coordinate the provision of treatment serv-  
13 ices with other social service agencies in the commu-  
14 nity, including educational, juvenile justice, child  
15 welfare, and mental health agencies;

16 “(3) provide screening by a qualified profes-  
17 sional for substance use related disorder and a con-  
18 tinuum of integrated treatment services, including  
19 case management, for children and adolescents with  
20 substance abuse disorders and their families;

21 “(4) provide treatment that is gender-specific  
22 and culturally appropriate;

23 “(5) involve and work with families of children  
24 and adolescents receiving treatment;

1           “(6) provide aftercare services for children and  
2           adolescents and their families after completion of  
3           substance abuse treatment; and

4           “(7) use amounts under the award to serve an  
5           area that—

6                   “(A) is a rural area, an area with a short-  
7                   age of mental health and addiction treatment  
8                   professionals, or an area with a shortage of  
9                   family-based substance abuse treatment op-  
10                  tions; or

11                   “(B) has high rates of addiction to meth-  
12                  amphetamine or other drugs.

13           “(c) EVALUATION PLAN.—To be eligible to receive an  
14           award under this section, an entity shall include in its  
15           application an assurance that the entity will carry out ac-  
16           tivities to evaluate the program carried out under the  
17           award in accordance with an evaluation plan developed by  
18           the entity.

19           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
20           is authorized to be appropriated to carry out this section,  
21           \$8,000,000 for each of fiscal years 2008 through 2012.”.

1 **SEC. 5. IMPROVED ACCESS TO SUBSTANCE ABUSE TREAT-**  
2 **MENT FOR RURAL AND UNDERSERVED**  
3 **AREAS THROUGH RECRUITMENT AND RETEN-**  
4 **TION OF SUBSTANCE ABUSE PROFES-**  
5 **SIONALS.**

6 (a) IN GENERAL.—The Secretary of Health and  
7 Human Services shall award scholarships to eligible indi-  
8 viduals who agree to provide substance abuse treatment  
9 services in rural or underserved areas.

10 (b) ELIGIBILITY.—To be eligible to receive a scholar-  
11 ship under subsection (a), an individual shall—

12 (1) submit to the Secretary an application at  
13 such time, in such manner, and containing such in-  
14 formation as the Secretary may require;

15 (2) be enrolled in a course of study at an insti-  
16 tution of higher education leading to a degree re-  
17 lated to the provision of substance abuse treatment  
18 services (as determined by the Secretary);

19 (3) agree to provide substance abuse treatment  
20 services at a facility with a critical shortage of addic-  
21 tion treatment professionals in a rural or under-  
22 served area (as determined by the Secretary) for at  
23 least two years following the date on which such in-  
24 dividual receives the degree referred to in subpara-  
25 graph (B); and



1 to carry out activities under the award at an el-  
2 ementary or secondary school; or

3 “(B) a private or public entity that intends  
4 to carry out community-based prevention pro-  
5 grams; and

6 “(2) submit to the Secretary an application at  
7 such time, in such manner, and containing such in-  
8 formation as the Secretary may require.

9 “(c) PRIORITY.—In awarding grants under this sec-  
10 tion, the Secretary shall give priority to—

11 “(1) entities serving rural areas or areas that  
12 have high rates of addiction to methamphetamine or  
13 other drugs; and

14 “(2) entities that propose to carry out activities  
15 using emerging best practices for the prevention of  
16 substance abuse among children and adolescents.

17 “(d) USE OF FUNDS.—An eligible entity that receives  
18 a grant under this section shall use the funds made avail-  
19 able under the grant to carry out school- or community-  
20 based activities that—

21 “(1) are comprehensive and utilize emerging  
22 best practices for the prevention of methamphet-  
23 amine and other substance abuse among children  
24 and adolescents;





- 1 this Act and applies to medical assistance provided on or
- 2 after that date.

○