

115TH CONGRESS  
2D SESSION

# S. 2730

To amend the Public Health Service Act to establish a pilot program to help individuals in recovery from a substance use disorder transition from treatment to independent living and the workforce, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 23, 2018

Mr. McCONNELL 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 Service Act to establish a pilot program to help individuals in recovery from a substance use disorder transition from treatment to independent living and the workforce, and for other purposes.

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 “Comprehensive Addic-  
5 tion Recovery through Effective Employment and Reentry  
6 Act” or the “CAREER Act”.

1 **SEC. 2. PILOT PROGRAM TO HELP INDIVIDUALS IN RECOV-**  
 2 **ERY FROM A SUBSTANCE USE DISORDER**  
 3 **TRANSITION TO INDEPENDENT LIVING AND**  
 4 **THE WORKFORCE.**

5 Part B of title III of the Public Health Service Act  
 6 (42 U.S.C. 243 et seq.) is amended by adding at the end  
 7 the following:

8 **“SEC. 320B. PILOT PROGRAM TO HELP INDIVIDUALS IN RE-**  
 9 **COVERY FROM A SUBSTANCE USE DISORDER**  
 10 **TRANSITION TO INDEPENDENT LIVING AND**  
 11 **THE WORKFORCE.**

12 “(a) IN GENERAL.—The Secretary shall establish a  
 13 pilot program to award 5-year grants under subsection  
 14 (b)(1) to States, and 1-year grants under subsection  
 15 (b)(2) to States or Indian tribes, for the purpose of mak-  
 16 ing subgrants to entities under subsection (c) to help indi-  
 17 viduals in recovery from a substance use disorder transi-  
 18 tion from treatment to independent living and the work-  
 19 force.

20 “(b) GRANTS.—

21 “(1) 5-YEAR GRANTS.—

22 “(A) IN GENERAL.—The Secretary shall  
 23 award 5-year grants under this paragraph to 5  
 24 States that submit an application under para-  
 25 graph (3). Such States shall be selected—

1           “(i) from among the 10 States with  
2           the highest rate of death due to drug over-  
3           dose per 100,000 people, based on data  
4           from the Centers for Disease Control and  
5           Prevention for calendar years 2013  
6           through 2017; and

7           “(ii) based on the merits of the pro-  
8           posal included in such application and the  
9           preferences described in subparagraph (B).

10          “(B) PREFERENCES.—The Secretary, in  
11          selecting States for a grant under this para-  
12          graph, shall give priority to States from among  
13          the States described in subparagraph (A) with  
14          the combination of—

15                 “(i) the highest average rates of un-  
16                 employment based on data provided by the  
17                 Bureau of Labor Statistics for calendar  
18                 years 2013 through 2017;

19                 “(ii) the lowest average labor force  
20                 participation rates based on data provided  
21                 by the Bureau of Labor Statistics for cal-  
22                 endar years 2013 through 2017; and

23                 “(iii) the highest prevalence of opioid  
24                 use disorder based on data provided by the  
25                 Substance Abuse and Mental Health Serv-

1           ices Administration for calendar years  
2           2013 through 2017 as may be available.

3           “(C) GRANT FUNDS.—

4                   “(i) IN GENERAL.—The funds from a  
5           5-year grant awarded under this paragraph  
6           shall be provided to each of the 5 selected  
7           States on an annual basis for each of fiscal  
8           years 2019 through 2023.

9                   “(ii) CARRY OVER.—

10                   “(I) IN GENERAL.—The funds  
11           awarded under clause (i) for a fiscal  
12           year shall remain available for the  
13           State to make subgrants under sub-  
14           section (c) for such fiscal year, except  
15           a State may carry over (subject to  
16           subclause (II)) not more than 10 per-  
17           cent of such funds for the following  
18           fiscal year for such purpose.

19                   “(II) REQUEST.—A State may  
20           make a request to the Secretary to  
21           carry over more than 10 percent of  
22           the funds awarded under clause (i) for  
23           a fiscal year for the following fiscal  
24           year for such purpose, and the Sec-

1                   retary may grant such request as the  
2                   Secretary determines appropriate.

3                   “(III) AMOUNT FOR FOLLOWING  
4                   FISCAL YEAR.—Any amount carried  
5                   over under this clause shall not im-  
6                   pact the amount of the funds the Sec-  
7                   retary awards the State for such fol-  
8                   lowing fiscal year.

9                   “(iii) RETURN OF FUNDS.—Any funds  
10                  awarded under clause (i) that are not ex-  
11                  pended during the fiscal year for which the  
12                  funds are awarded and that are not carried  
13                  over for the following fiscal year under  
14                  clause (ii) shall be returned to the Sec-  
15                  retary to carry out this section. Any funds  
16                  returned to the Secretary after fiscal year  
17                  2023 shall be returned to the general fund  
18                  of the Treasury.

19                  “(2) 1-YEAR GRANTS.—

20                  “(A) IN GENERAL.—The Secretary shall,  
21                  for each of fiscal years 2019 through 2023,  
22                  award 1-year grants to States or Indian tribes  
23                  under this paragraph that submit an applica-  
24                  tion in accordance with paragraph (3). Such  
25                  States or Indian tribes shall be selected for a

1 grant under this paragraph based on criteria  
2 established by the Secretary.

3 “(B) GRANT FUNDS.—

4 “(i) IN GENERAL.—The funds award-  
5 ed through a grant under subparagraph  
6 (A) for a fiscal year shall remain available  
7 for the State or Indian tribe to make sub-  
8 grants under subsection (c) for such fiscal  
9 year and may not be carried over for such  
10 following fiscal year.

11 “(ii) RETURN OF FUNDS.—Any funds  
12 awarded through a grant under subpara-  
13 graph (A) that are not expended during  
14 the fiscal year of the grant shall be re-  
15 turned to the Secretary to carry out this  
16 section. Any funds returned to the Sec-  
17 retary after fiscal year 2023 shall be re-  
18 turned to the general fund of the Treas-  
19 ury.

20 “(3) APPLICATIONS.—

21 “(A) IN GENERAL.—Each State desiring a  
22 grant under paragraph (1) and each State or  
23 Indian tribe desiring a grant under paragraph  
24 (2) shall submit an application to the Secretary

1 at such time and in such manner as the Sec-  
2 retary may reasonably require for such grant.

3 “(B) CONTENTS.—

4 “(i) IN GENERAL.—An application  
5 submitted under subparagraph (A) shall  
6 contain such information as the Secretary  
7 may reasonably require, including a pro-  
8 posal for awarding subgrants under sub-  
9 section (c) and a method for evaluating  
10 such subgrants.

11 “(ii) 5-YEAR GRANTS.—An application  
12 submitted under subparagraph (A) for a  
13 grant awarded under subsection (b)(1)  
14 shall include an assurance that not less  
15 than 50 percent of the funds awarded  
16 through the grant will be used towards  
17 making subgrants under subsection (c) to  
18 the entities applying for such subgrants  
19 that serve the areas in the State with the  
20 highest prevalence of substance use dis-  
21 order, based on data determined appro-  
22 priate by the Secretary.

23 “(c) SUBGRANTS.—

24 “(1) IN GENERAL.—Each State that receives a  
25 grant under subsection (b)(1) and each State or In-

1       dian tribe that receives a grant under subsection  
2       (b)(2) shall award subgrants on a competitive basis  
3       to entities that meet the requirements under para-  
4       graphs (2) and (3).

5               “(2) SUBGRANT REQUIREMENTS.—

6                       “(A) APPLICATION.—An entity that de-  
7                       sires a subgrant under this subsection shall  
8                       submit an application to the State or Indian  
9                       tribe at such time and in such manner as the  
10                      State or Indian tribe may reasonably require.

11                     “(B) CONTENTS.—An application sub-  
12                     mitted under subparagraph (A) by an entity  
13                     shall contain such information as the State or  
14                     Indian tribe may reasonably require, including  
15                     a demonstration that the entity has one or more  
16                     of the following abilities:

17                               “(i) The ability to partner with local  
18                               stakeholders, which may include local em-  
19                               ployers, community stakeholders, and local  
20                               and State governments, to identify gaps in  
21                               the workforce due to the prevalence of sub-  
22                               stance use disorders.

23                               “(ii) The ability to partner with local  
24                               stakeholders, which may include local em-  
25                               ployers, community stakeholders, and local



1 and State governments, to offer transi-  
2 tional services, including employment and  
3 career counseling or job placement, to help  
4 individuals in recovery from a substance  
5 use disorder transition into the workforce.

6 “(iii) The ability to partner with local  
7 stakeholders, which may include local em-  
8 ployers, community stakeholders, and local  
9 and State governments, to assist employers  
10 with informing their employees of the re-  
11 sources, such as treatment options for a  
12 substance use disorder, that are available  
13 to them.

14 “(3) USE OF FUNDS.—An entity receiving a  
15 subgrant under this subsection shall use the  
16 subgrant funds for more than one of the following:

17 “(A) To hire specialists with an expertise  
18 in treating substance use disorders, including  
19 through residential treatment, to assist with the  
20 treatment provided through a subgrant under  
21 this subsection, which may include the use of  
22 medication-assisted treatment.

23 “(B) To provide wrap-around services to  
24 encourage substance use disorder prevention,  
25 treatment, recovery, and rehabilitation, with a

1 focus on ensuring long-term recovery and symp-  
2 tom remission.

3 “(C) To help individuals transition from  
4 inpatient treatment for a substance use dis-  
5 order to the workforce by providing—

6 “(i) career services described in para-  
7 graph (2), and training services described  
8 in paragraph (3), of section 134(c) of the  
9 Workforce Innovation and Opportunity Act  
10 (29 U.S.C. 3174(c)); and

11 “(ii) related services described in sec-  
12 tion 134(a)(4)(D) of such Act (42 U.S.C.  
13 3174(a)(4)(D)).

14 “(D) To implement innovative technologies  
15 to make substance use disorder treatment more  
16 affordable and accessible, which may include  
17 the use of telemedicine, and may assist individ-  
18 uals in finding and maintaining employment  
19 throughout recovery.

20 “(E) To provide ongoing outpatient sub-  
21 stance use disorder treatment programs, includ-  
22 ing peer support meetings, for individuals who  
23 have recovered or are in recovery from a sub-  
24 stance use disorder while they transition from

1 receiving treatment for such disorder to enter-  
2 ing the workforce and maintaining employment.

3 “(F) To assist patients, including through  
4 hiring case managers, care coordinators, or  
5 trained peer recovery coaches, in recovery from  
6 a substance use disorder, including through  
7 programs to provide services to develop daily  
8 living skills, provide counseling, and provide  
9 housing assistance, and through other appro-  
10 priate Federal Government assistance pro-  
11 grams.

12 “(G) With respect to an entity that pro-  
13 vides the full continuum of substance use dis-  
14 order treatment services, which may include de-  
15 toxification, residential rehabilitation, recovery  
16 housing, evidence-based treatments (which may  
17 include the use of medication-assisted treat-  
18 ment), counseling, and recovery supports, to ex-  
19 pand such services to include services that may  
20 include—

21 “(i) short-term prevocational training  
22 services, such as the development of learn-  
23 ing skills, communication skills, inter-  
24 viewing skills, punctuality, personal main-  
25 tenance skills, and professional conduct;

1           “(ii) vocational training, which shall  
2           emphasize the skills or knowledge nec-  
3           essary for a particular job function or  
4           trade; and

5           “(iii) care coordination throughout the  
6           short- and long-term substance use dis-  
7           order recovery process.

8           “(H) Any other service determined by the  
9           Secretary as necessary for achieving the goal of  
10          transitioning individuals from treatment for  
11          substance use disorders to independent living  
12          and the workforce or to encouraging substance  
13          use disorder prevention in the workforce.

14          “(d) CONSULTATION.—The Secretary may, in car-  
15          rying out the pilot program under this section, consult  
16          with the Assistant Secretary for Substance Use and Men-  
17          tal Health, the Administrator of the Health Resources and  
18          Services Administration, the Secretary of Labor, the Sec-  
19          retary of Housing and Urban Development, and the Sec-  
20          retary of Education.

21          “(e) REPORTING REQUIREMENTS.—

22                  “(1) REPORTS TO THE SECRETARY.—

23                          “(A) 5-YEAR GRANTS.—Not later than De-  
24                          cember 31, 2021, each State that has received  
25                          a grant under subsection (b)(1) shall report to

1 the Secretary on its progress and effectiveness  
2 in meeting the objectives of the pilot program  
3 under this section, including the progress and  
4 effectiveness of the entities receiving subgrants  
5 under subsection (c) as demonstrated through  
6 reports of such progress and effectiveness sub-  
7 mitted to the State by such entities.

8 “(B) 1-YEAR GRANTS.—Not later than De-  
9 cember 31 of the fiscal year following the fiscal  
10 year for which a grant is awarded under sub-  
11 section (b)(2), the State or Indian tribe receiv-  
12 ing such grant shall report to the Secretary on  
13 its progress and effectiveness in meeting the ob-  
14 jectives of the pilot program under this section,  
15 including the progress and effectiveness of the  
16 entities receiving subgrants under subsection  
17 (c) which may be demonstrated through reports  
18 of such progress and effectiveness submitted to  
19 the State or Indian tribe by such entities.

20 “(2) REPORT TO CONGRESS.—Not later than  
21 December 31, 2024, the Secretary shall submit a re-  
22 port to Congress, including any applicable author-  
23 izing committee of the Senate or House of Rep-  
24 resentatives, evaluating the grants awarded under  
25 this section.

1       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated \$200,000,000, for each  
3 of fiscal years 2019 through 2023, to carry out this sec-  
4 tion. Out of such amount appropriated for each such fiscal  
5 year—

6               “(1) 75 percent shall be used to make grants  
7 under subsection (b)(1); and

8               “(2) 25 percent shall be used to make grants  
9 under subsection (b)(2).”.

10 **SEC. 3. TRANSITIONAL HOUSING SERVICES.**

11       (a) IN GENERAL.—Section 105(a) of the Housing  
12 and Community Development Act of 1974 (42 U.S.C.  
13 5305(a)) is amended—

14               (1) in paragraph (25)(D), by striking “and” at  
15 the end;

16               (2) in paragraph (26), by striking the period at  
17 the end and inserting “; and”; and

18               (3) by adding at the end the following:

19               “(27) providing temporary housing services to  
20 individuals who are transitioning out of substance  
21 abuse treatment programs for—

22                       “(A) a period of not more than 24 months  
23 or until the individual secures permanent hous-  
24 ing, whichever is earlier; or

1           “(B) such longer period as the Secretary  
2           determines necessary.”.

3           (b) ADDITIONAL CDBG AUTHORIZATION OF APPRO-  
4           PRIATIONS.—

5           (1) DEFINITION OF COVERED ENTITY.—In this  
6           subsection, the term “covered entity” means—

7                   (A) a State (as defined in section 102(a)  
8                   of the Housing and Community Development  
9                   Act of 1974 (42 U.S.C. 5302(a))) that is  
10                  among the 10 States with the highest rate of  
11                  death due to drug overdose per 100,000 people,  
12                  based on data from the Centers for Disease  
13                  Control and Prevention for calendar years 2013  
14                  through 2017; and

15                  (B) any entitlement community located in  
16                  a State described in subparagraph (A).

17           (2) AUTHORIZATION OF APPROPRIATIONS.—In  
18           addition to any amounts appropriated for the com-  
19           munity development block grant program under title  
20           I of the Housing and Community Development Act  
21           of 1974 (42 U.S.C. 5301 et seq.), there are author-  
22           ized to be appropriated \$25,000,000 for each of fis-  
23           cal years 2019 through 2023, to be allocated by the  
24           Secretary of Housing and Urban Development on a  
25           competitive basis to covered entities to carry out the

1 activity described in paragraph (27) of section  
2 105(a) of such Act (42 U.S.C. 5305(a)), as added  
3 by subsection (a).

4 (3) PREFERENCES.—In allocating amounts au-  
5 thORIZED to be appropriated under paragraph (2), the  
6 Secretary of Housing and Urban Development shall  
7 give priority to—

8 (A) States from among the States de-  
9 scribed in paragraph (1)(A) with a combination  
10 of—

11 (i) the highest average rates of unem-  
12 ployment based on data provided by the  
13 Bureau of Labor Statistics for calendar  
14 years 2013 through 2017;

15 (ii) the lowest average labor force par-  
16 ticipation rates based on data provided by  
17 the Bureau of Labor Statistics for cal-  
18 endar years 2013 through 2017; and

19 (iii) the highest prevalence of opioid  
20 use disorder based on data provided by the  
21 Substance Abuse and Mental Health Serv-  
22 ices Administration for calendar years  
23 2013 through 2017 as may be available;  
24 and



1 (B) entitlement communities located in a  
 2 State described in clause (i), (ii), or (iii) of sub-  
 3 paragraph (A).

4 **SEC. 4. SUBSTANCE USE DISORDER TRANSITION ACTIVI-**  
 5 **TIES.**

6 (a) RESERVATIONS FOR STATE ACTIVITIES.—Section  
 7 133(a)(1) of the Workforce Innovation and Opportunity  
 8 Act (29 U.S.C. 3173(a)(1)) is amended—

9 (1) by striking “The Governor” and inserting  
 10 the following:

11 “(A) IN GENERAL.—The Governor”; and

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

13 “(B) SUBSTANCE USE DISORDER TRANSI-  
 14 TION ACTIVITIES.—

15 “(i) ADULT AND DISLOCATED  
 16 FUNDS.—Of the funds reserved as required  
 17 under section 128(a)(1) and subparagraph  
 18 (A), the Governor of a State with an appli-  
 19 cation approved under section 134(a)(4)  
 20 may reserve a sum of not more than 5 per-  
 21 cent of each of the amounts allotted to the  
 22 State under paragraphs (1)(B) and (2)(B)  
 23 of section 132(b) for a fiscal year for sub-  
 24 stance use disorder transition activities de-  
 25 scribed in section 134(a)(4). Notwith-

1 standing sections 128(a)(2), 129(b), and  
 2 134(a), the Governor may not use an  
 3 amount allotted under section  
 4 127(b)(1)(C) for those activities.

5 “(ii) VOCATIONAL REHABILITATION  
 6 FUNDS.—The Governor of a State with  
 7 such an approved application may reserve  
 8 funds as described in section 110(e) of the  
 9 Rehabilitation Act of 1973 (29 U.S.C.  
 10 730(e)) for substance use disorder transi-  
 11 tion activities described in section  
 12 134(a)(4).”.

13 (b) STATEWIDE EMPLOYMENT AND TRAINING AC-  
 14 TIVITIES.—

15 (1) IN GENERAL.—Section 134(a)(1) of the  
 16 Workforce Innovation and Opportunity Act (29  
 17 U.S.C. 3174(a)(1)) is amended—

18 (A) in subparagraph (A), by striking  
 19 “and” at the end;

20 (B) in subparagraph (B), in the matter  
 21 following clause (ii), by striking the period and  
 22 inserting “; and”; and

23 (C) by adding at the end the following:

24 “(C) as described in section 133(a)(1)(B),  
 25 may be used for substance use disorder transi-

1           tion activities as described in paragraph (4), re-  
 2           gardless of whether the funds were allotted to  
 3           the State under paragraph (1) or (2) of section  
 4           132(b).”.

5           (2) SUBSTANCE USE DISORDER TRANSITION AC-  
 6           TIVITIES.—Section 134(a) of the Workforce Innova-  
 7           tion and Opportunity Act (29 U.S.C. 3174(a)) is  
 8           amended by adding at the end the following:

9           “(4) SUBSTANCE USE DISORDER TRANSITION  
 10          ACTIVITIES.—

11           “(A) DEFINITIONS.—In this paragraph:

12           “(i) APPROPRIATE SECRETARY.—The  
 13           term ‘appropriate Secretary’ means—

14           “(I) except as provided in sub-  
 15           clause (II), the Secretary of Labor; or

16           “(II) if the application involves  
 17           funds reserved under section 110(e) of  
 18           the Rehabilitation Act of 1973 (29  
 19           U.S.C. 730(e)), the Secretary of  
 20           Labor and the Secretary of Edu-  
 21           cation.

22           “(ii) SUBSTANCE USE DISORDER.—  
 23           The term ‘substance use disorder’ means  
 24           such a disorder within the meaning of the

1 term in title V of the Public Health Service  
2 Act (42 U.S.C. 290aa et seq.).

3 “(iii) SUBSTANCE USE DISORDER  
4 TRANSITION ACTIVITIES.—The term ‘sub-  
5 stance use disorder transition activities’  
6 means activities authorized under subpara-  
7 graph (D) or (E).

8 “(B) ELIGIBLE STATES.—To be eligible to  
9 use the funds reserved under clause (i) or (ii)  
10 of section 133(a)(1)(B) for substance use dis-  
11 order transition activities described in this  
12 paragraph, a State shall—

13 “(i) submit to the appropriate Sec-  
14 retary an application seeking flexibility to  
15 use the reserved funds for such activities,  
16 and submit the application at such time, in  
17 such manner, and containing such infor-  
18 mation as the appropriate Secretary may  
19 require, including an assurance that the  
20 State will award subgrants to entities on  
21 the basis of the ability of the entities to  
22 provide the substance use disorder transi-  
23 tion activities involved, including any pro-  
24 grams that the entities propose to provide

1           that lead to recognized postsecondary cre-  
2           dentials; and

3           “(ii) obtain approval of the applica-  
4           tion.

5           “(C) SUBGRANTS.—An eligible State may  
6           use the funds reserved under clause (i) or (ii)  
7           of section 133(a)(1)(B) to make subgrants to  
8           one-stop operators and nonprofit organizations,  
9           to provide services under subparagraph (D) and  
10          (at the election of the State) subparagraph (E).

11          “(D) CAREER SERVICES.—An entity that  
12          receives a subgrant under subparagraph (C)  
13          shall use the subgrant funds to assist individ-  
14          uals in recovery from a substance use disorder  
15          in transitioning to the workforce, by providing  
16          career services (such as the services described  
17          in section 134(c)(2)) and related services, which  
18          may include one or more of—

19                 “(i) providing ongoing career coun-  
20                 seling, both before and after job placement,  
21                 with a focus on individual employment  
22                 preferences while weighing the skill needs  
23                 of industries in the local area;

24                 “(ii) promoting systemic job develop-  
25                 ment, by facilitating voluntary programs

1 and relationships between participants and  
2 local employers to create potential employ-  
3 ment opportunities;

4 “(iii) providing benefits counseling—

5 “(I) to ensure participants re-  
6 ceive accurate information regarding  
7 how employment will affect access to  
8 various Federal programs, such as the  
9 Medicaid program established under  
10 title XIX of the Social Security Act  
11 (42 U.S.C. 1396 et seq.) and the sup-  
12 plemental security income program es-  
13 tablished under title XVI of that Act  
14 (42 U.S.C. 1381 et seq.); and

15 “(II) to advise participants on  
16 ways to transition away from the pro-  
17 grams described in subclause (I)  
18 through maintaining employment;

19 “(iv) creating voluntary programs  
20 with employers to establish a work and  
21 treatment arrangement, such as an Em-  
22 ployee Assistance Program, for employees  
23 in recovery from a substance use disorder;

24 “(v) providing educational materials  
25 or training to employers to enable the em-

1           employers to inform their employees of the re-  
2           sources, such as treatment options for a  
3           substance use disorder, that are available  
4           to them; and

5           “(vi) any other career services that  
6           are determined to be necessary by the ap-  
7           propriate Secretary and that would assist  
8           individuals in recovery from a substance  
9           use disorder in transitioning to the work-  
10          force.

11          “(E) TRAINING SERVICES.—An entity that  
12          receives a subgrant under subparagraph (C)  
13          shall (at the election of the State) use the  
14          subgrant funds to assist individuals in recovery  
15          from a substance use disorder in transitioning  
16          to the workforce, by providing training serv-  
17          ices.”.

18          (c) ADMINISTRATION.—Section 181 of the Workforce  
19          Innovation and Opportunity Act (29 U.S.C. 3241) is  
20          amended—

21               (1) by redesignating subsection (g) as sub-  
22               section (h); and

23               (2) by inserting after subsection (f) the fol-  
24               lowing:

25               “(g) RELATIONSHIP TO OTHER LAWS.—

1           “(1) **DISABILITY NONDISCRIMINATION LAW.**—  
2           Subject to paragraph (2), an employer that employs,  
3           or considers for employment, any individual who re-  
4           ceives services under this section or under section  
5           320B of the Public Health Service Act shall have an  
6           absolute defense to any claim (including a charge) of  
7           unlawful discrimination on the basis of disability  
8           under a covered law, that alleges that the employer  
9           discriminated against that individual (which may in-  
10          clude refusing to hire or terminating the employ-  
11          ment of the individual) based on alcohol addiction or  
12          past substance use disorder for which the individual  
13          receives such services.

14           “(2) **RULE OF CONSTRUCTION.**—Nothing in  
15          paragraph (1) shall be construed to eliminate the  
16          duty of the employer, to an employee who is an indi-  
17          vidual who receives such services, to provide a rea-  
18          sonable accommodation for an alcohol disorder, or a  
19          past substance use disorder, that is a disability  
20          under a covered law.

21           “(3) **DEFINITIONS.**—In this subsection:

22           “(A) **COVERED LAW.**—The term ‘covered  
23          law’ means title I of the Americans with Dis-  
24          abilities Act of 1990 (42 U.S.C. 12111 et seq.),  
25          title V of the Rehabilitation Act of 1973 (29



1 U.S.C. 791 et seq.), or a State law (including  
2 local law), that prohibits discrimination on the  
3 basis of disability in employment.

4 “(B) SUBSTANCE USE DISORDER.—The  
5 term ‘substance use disorder’ means such a dis-  
6 order within the meaning of the term in title V  
7 of the Public Health Service Act (42 U.S.C.  
8 290aa et seq.).”.

9 (d) OTHER CORE PROGRAMS.—Section 110 of the  
10 Rehabilitation Act of 1973 (29 U.S.C. 730) is amended  
11 by adding at the end the following:

12 “(e)(1) In the case of a transition State, from any  
13 State allotment under subsection (a) for a fiscal year, the  
14 State may reserve not more than 5 percent of the allotted  
15 funds for substance use disorder transition activities de-  
16 scribed in section 134(a)(4) of the Workforce Innovation  
17 and Opportunity Act (29 U.S.C. 3174(a)(4)).

18 “(2) In this section, the term ‘transition State’ means  
19 a State with an application approved under section  
20 134(a)(4) of the Workforce Innovation and Opportunity  
21 Act.”.

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