

Alaskan Native village that carries out substantial governmental duties and powers.

(2) Specially qualified unit

The term “specially qualified unit” means a unit of local government which may receive funds under this subchapter only in accordance with section 3796ee-3(e) of this title.

(3) State

The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that—

(A) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands (the “partial States”) shall collectively be considered as 1 State; and

(B) for purposes of section 3796ee-3(a) of this title, the amount allocated to a partial State shall bear the same proportion to the amount collectively allocated to the partial States as the population of the partial State bears to the collective population of the partial States.

(4) Juvenile

The term “juvenile” means an individual who is 17 years of age or younger.

(5) Juvenile justice expenditures

The term “juvenile justice expenditures” means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

(A) activities specified in section 3796ee(b) of this title; and

(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this subchapter.

(6) Part 1 violent crimes

The term “part 1 violent crimes” means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

(Pub. L. 90-351, title I, §1809, as added Pub. L. 107-273, div. C, title II, §12102(a), Nov. 2, 2002, 116 Stat. 1867.)

§ 3796ee-10. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this subchapter, \$350,000,000 for each of fiscal years 2006 through 2009.

(b) Oversight accountability and administration

(1) In general

Of the amount authorized to be appropriated under section 5665 of this title, there shall be available to the Attorney General, for each of the fiscal years 2002 through 2004 (as applicable), to remain available until expended—

(A) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this subchapter;

(B) not more than 2 percent of that amount, for training and technical assistance; and

(C) not more than 1 percent, for administrative costs to carry out the purposes of this subchapter.

(2) Oversight plan

The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

(c) Tribal set-aside

Of the amounts appropriated under subsection (a) of this section, 2 percent shall be made available for programs that receive grants under section 3796ee-1 of this title.

(Pub. L. 90-351, title I, §1810, as added Pub. L. 107-273, div. C, title II, §12102(a), Nov. 2, 2002, 116 Stat. 1868; amended Pub. L. 109-162, title XI, §1166, Jan. 5, 2006, 119 Stat. 3121.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-162 substituted “2006 through 2009” for “2002 through 2005”.

SUBCHAPTER XII-G—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

§ 3796ff. Grant authorization

(a) In general

The Attorney General may make grants under this subchapter to States, for use by States and units of local government for the purpose of—

(1) developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional and detention facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment; and

(2) encouraging the establishment and maintenance of drug-free prisons and jails.

(b) Consultation

The Attorney General shall consult with the Secretary of Health and Human Services to ensure that projects of substance abuse treatment and related services for State prisoners incorporate applicable components of existing comprehensive approaches including relapse prevention and aftercare services.

(c) Additional use of funds

States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this subchapter for treatment and sanctions both during incarceration and after release.

(Pub. L. 90-351, title I, §1901, as added Pub. L. 103-322, title III, §32101(a)(3), Sept. 13, 1994, 108 Stat. 1898; amended Pub. L. 107-273, div. B, title II, §§2101, 2102(1), Nov. 2, 2002, 116 Stat. 1792.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273, §2102(1), substituted “purpose of—” for “purpose of”, inserted par. (1) designation before “developing”, and added par. (2).

Subsec. (c). Pub. L. 107-273, §2101, added subsec. (c).

PRIOR PROVISIONS

A prior section 1901 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 3797 of this title.

§ 3796ff-1. State applications**(a) In general**

(1) To request a grant under this subchapter the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) Such application shall include assurances that Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subchapter.

(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol¹ and Drug¹ Abuse¹ agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).

(b) Substance abuse testing requirement

To be eligible to receive funds under this subchapter, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

(1) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

(2) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State.

(c) Requirement for Aftercare Component

(1) To be eligible for funding under this subchapter, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this subchapter will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.

(2) State aftercare services must involve the coordination of the correctional facility treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the substance abuse treatment program.

(3) To qualify as an aftercare program, the head of the substance abuse treatment program, in conjunction with State and local authorities and organizations involved in substance abuse treatment, shall assist in placement of substance abuse treatment program participants with appropriate community substance abuse treatment facilities when such individuals leave the correctional facility at the end of a sentence or on parole.

¹ So in original. Probably should not be capitalized.

(4) After care² services required by this subsection shall be funded through funds provided for this subchapter.

(d) Coordination of Federal assistance

Each application submitted for a grant under this section shall include a description of how the funds made available under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services currently provided by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

(e) State office

The office responsible for the trust fund required by section 3757 of this title—

(1) shall prepare the application as required under this section; and

(2) shall administer grant funds received under this subchapter, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

(f) Use of grant amounts for nonresidential aftercare services

A State may use amounts received under this subchapter to provide nonresidential substance abuse treatment aftercare services for inmates or former inmates that meet the requirements of subsection (c) of this section, if the chief executive officer of the State certifies to the Attorney General that the State is providing, and will continue to provide, an adequate level of residential treatment services.

(Pub. L. 90-351, title I, §1902, as added Pub. L. 103-322, title III, §32101(a)(3), Sept. 13, 1994, 108 Stat. 1898; amended Pub. L. 107-273, div. B, title II, §2102(2), Nov. 2, 2002, 116 Stat. 1792; Pub. L. 109-162, title XI, §§1111(c)(2)(J), 1145(a), (b), Jan. 5, 2006, 119 Stat. 3102, 3111; Pub. L. 110-199, title I, §102(a), Apr. 9, 2008, 122 Stat. 668.)

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-199 substituted "Requirement for Aftercare Component" for "Aftercare services requirement" in heading and amended par. (1) generally. Prior to amendment, par. (1) read as follows: "To be eligible for funding under this subchapter, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this subchapter will be provided with after care services."

2006—Subsec. (b). Pub. L. 109-162, §1145(a), reenacted subsec. heading without change and amended text generally. Prior to amendment, text read as follows: "To be eligible to receive funds under this subchapter, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State."

Subsec. (c). Pub. L. 109-162, §1145(b)(1), substituted "Aftercare services requirement" for "Eligibility for preference with after care component" in subsec. heading.

Subsec. (c)(1). Pub. L. 109-162, §1145(b)(2), amended par. (1) generally. Prior to amendment, par. (1) read as

² So in original. Probably should be "Aftercare".