

by the State or Indian Tribe and are licensed, if necessary, to provide medical and other health services.

(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 17521(e) of this title).

(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

(5) The program shall provide that if a non-violent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

(8) The program shall develop and implement a reentry plan for each participant.

#### **(b) Prison-based programs**

A program for which a grant is made under section 3797s(2) of this title shall comply with the following requirements:

(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

(3) The program shall be located in an area separate from the general population of the prison.

(Pub. L. 90-351, title I, §2923, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 675.)

#### CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

### **§ 3797s-3. Applications**

#### **(a) In general**

An entity described in section 3797s of this title desiring a grant under this subchapter shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General requires.

#### **(b) Contents**

An application under subsection (a) shall include a description of the methods and measure-

ments the applicant will use for purposes of evaluating the program involved.

(Pub. L. 90-351, title I, §2924, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 676.)

#### CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

### **§ 3797s-4. Reports**

An entity that receives a grant under this subchapter during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

(1) is based on evidence-based data; and

(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

(Pub. L. 90-351, title I, §2925, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 676.)

#### CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

### **§ 3797s-5. Authorization of appropriations**

#### **(a) In general**

There are authorized to be appropriated to carry out this subchapter \$10,000,000 for each of fiscal years 2009 and 2010.

#### **(b) Use of amounts**

Of the amount made available to carry out this subchapter in any fiscal year, not less than 5 percent shall be used for grants to Indian Tribes.

(Pub. L. 90-351, title I, §2926, as added Pub. L. 110-199, title I, §113, Apr. 9, 2008, 122 Stat. 676.)

#### CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

### **§ 3797s-6. Definitions**

In this subchapter:

#### **(1) Nonviolent parent drug offender**

The term “nonviolent parent drug offender” means an offender who is—

(A) a parent of an individual under 18 years of age; and

(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

#### **(2) Nonviolent offense**

The term “nonviolent offense” has the meaning given that term in section 3797aa(a) of this title.

#### **(3) Prison-based family treatment program**

The term “prison-based family treatment program” means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling,