

(b) Supplement and not supplant

Grants made under this subchapter shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this subchapter.

(Pub. L. 90-351, title I, §2902, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 672.)

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.

§ 3797q-2. Applications

To request a grant under this subchapter, a State, Tribal, or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State, Tribal, or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this subchapter.

(Pub. L. 90-351, title I, §2903, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 673.)

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.

§ 3797q-3. Federal share**(a) Matching requirement**

The Federal share of a grant under this subchapter may not exceed 50 percent of the total costs of the qualified drug treatment program funded under such grant.

(b) In-kind contributions**(1) In general**

Subject to paragraph (2), the recipient of a grant under this subchapter may meet the matching requirement under subsection (a) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

(2) Maximum percentage

Not more than 50 percent of the amount provided by a recipient of a grant under this subchapter to meet the matching requirement under subsection (a) may be provided through in-kind contributions under paragraph (1).

(Pub. L. 90-351, title I, §2904, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 673.)

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.

§ 3797q-4. Geographic distribution

The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this subchapter is equitable and includes State, Tribal, or local prosecutors—

- (1) in each State; and
- (2) in rural, suburban, Tribal, and urban jurisdictions.

(Pub. L. 90-351, title I, §2905, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 673.)

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.

§ 3797q-5. Reports and evaluations

For each fiscal year, each recipient of a grant under this subchapter during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

(Pub. L. 90-351, title I, §2906, as added Pub. L. 110-199, title I, §112(a), Apr. 9, 2008, 122 Stat. 673.)

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.

§ 3797q-6. Definitions

In this subchapter:

(1) State or local prosecutor

The term “State, Tribal, or local prosecutor” means any district attorney, State attorney general, county attorney, tribal attorney, or corporation counsel who has authority to prosecute criminal offenses under State, Tribal, or local law.

(2) Eligible offender

The term “eligible offender” means an individual who—

(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

(B) has never been charged with or convicted of an offense, during the course of which—

(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.