

(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;

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

(3) developing and implementing specialized residential substance abuse treatment programs that identify and provide appropriate treatment to inmates with co-occurring mental health and substance abuse disorders or challenges.

**(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; Pub.

L. 114-255, div. B, title XIV, §14012, Dec. 13, 2016, 130 Stat. 1297.)

AMENDMENTS

2016—Subsec. (a)(3). Pub. L. 114-255 added par. (3).

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 Alcohol<sup>1</sup> and Drug<sup>1</sup> Abuse<sup>1</sup> 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 pro-

<sup>1</sup> So in original. Probably should not be capitalized.