

**(3) Grant projects to address methamphetamine manufacture sale and use**

Grants made under subsection (a) may be used for programs, projects, and other activities to—

(A) investigate, arrest and prosecute individuals violating laws related to the use, manufacture, or sale of methamphetamine;

(B) reimburse the Drug Enforcement Administration for expenses related to the clean up of methamphetamine clandestine labs;

(C) support State, Tribal, and local health department and environmental agency services deployed to address methamphetamine; and

(D) procure equipment, technology, or support systems, or pay for resources, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in the reduction in the use, sale, and manufacture of methamphetamine.

(Pub. L. 90-351, title I, §2996, as added Pub. L. 109-177, title VII, §754, Mar. 9, 2006, 120 Stat. 274; amended Pub. L. 110-161, div. B, title II, §220(a), Dec. 26, 2007, 121 Stat. 1916.)

AMENDMENTS

2007—Subsec. (a)(1). Pub. L. 110-161, §220(a)(1)(A), inserted “, territories, and Indian tribes (as defined in section 3797d of this title)” after “to assist States” in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 110-161, §220(a)(1)(B), substituted “, territorial, Tribal, and local” for “and local”.

Subsec. (a)(2). Pub. L. 110-161, §220(a)(2), inserted “, territories, and Indian tribes” after “make grants to States”.

Subsec. (a)(3)(C). Pub. L. 110-161, §220(a)(3), inserted “, Tribal,” after “support State”.

**§ 3797cc-1. Funding**

There are authorized to be appropriated to carry out this subchapter \$99,000,000 for each fiscal year 2006, 2007, 2008, 2009, and 2010.

(Pub. L. 90-351, title I, §2997, as added Pub. L. 109-177, title VII, §754, Mar. 9, 2006, 120 Stat. 274.)

**§ 3797cc-2. Grants for programs for drug-endangered children**

**(a) In general**

The Attorney General shall make grants to States, territories, and Indian tribes (as defined in section 3797d of this title) for the purpose of carrying out programs to provide comprehensive services to aid children who are living in a home in which methamphetamine or other controlled substances are unlawfully manufactured, distributed, dispensed, or used.

**(b) Certain requirements**

The Attorney General shall ensure that the services carried out with grants under subsection (a) include the following:

(1) Coordination among law enforcement agencies, prosecutors, child protective services, social services, health care services, and any other services determined to be appropriate by the Attorney General to provide as-

sistance regarding the problems of children described in subsection (a).

(2) Transition of children from toxic or drug-endangering environments to appropriate residential environments.

**(c) Authorization of appropriations**

For the purpose of carrying out this section, there are authorized to be appropriated \$20,000,000 for each of the fiscal years 2008 and 2009. Amounts appropriated under the preceding sentence shall remain available until expended.

(Pub. L. 109-177, title VII, §755, Mar. 9, 2006, 120 Stat. 275; Pub. L. 110-161, div. B, title II, §220(b), Dec. 26, 2007, 121 Stat. 1916; Pub. L. 110-345, §2, Oct. 7, 2008, 122 Stat. 3938.)

CODIFICATION

Section was enacted as part of the Combat Methamphetamine Epidemic Act of 2005, and also as part of the USA PATRIOT Improvement and Reauthorization Act of 2005, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-345 substituted “fiscal years 2008 and 2009” for “fiscal years 2006 and 2007”.

2007—Subsec. (a). Pub. L. 110-161 inserted “, territories, and Indian tribes (as defined in section 3797d of this title)” after “make grants to States”.

**§ 3797cc-3. Authority to award competitive grants to address methamphetamine use by pregnant and parenting women offenders**

**(a) Purpose and program authority**

**(1) Grant authorization**

The Attorney General may award competitive grants to address the use of methamphetamine among pregnant and parenting women offenders to promote public safety, public health, family permanence and well being.

**(2) Purposes and program authority**

Grants awarded under this section shall be used to facilitate or enhance and<sup>1</sup> collaboration between the criminal justice, child welfare, and State, territorial, or Tribal substance abuse systems in order to carry out programs to address the use of methamphetamine drugs by pregnant and parenting women offenders.

**(b) Definitions**

In this section, the following definitions shall apply:

**(1) Child welfare agency**

The term “child welfare agency” means the State, territorial, or Tribal agency responsible for child or family services and welfare.

**(2) Criminal justice agency**

The term “criminal justice agency” means an agency of the State, territory, Indian tribe, or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that

<sup>1</sup> So in original. The word “and” probably should not appear.

State, territory, Indian tribe, or local government.

**(C)<sup>2</sup> Indian tribe**

The term “Indian tribe” has the meaning given the term in section 3797d of this title.

**(c) Applications**

**(1) In general**

No grant may be awarded under this section unless an application has been submitted to, and approved by, the Attorney General.

**(2) Application**

An application for a grant under this section shall be submitted in such form, and contain such information, as the Attorney General,<sup>3</sup> may prescribe by regulation or guidelines.

**(3) Eligible entities**

The Attorney General shall make grants to States, territories, and Indian tribes. Applicants must demonstrate extensive collaboration with the State criminal justice agency and child welfare agency in the planning and implementation of the program.

**(4) Contents**

In accordance with the regulations or guidelines established by the Attorney General in consultation with the Secretary of Health and Human Services, each application for a grant under this section shall contain a plan to expand the services for pregnant and parenting women offenders who are pregnant women or women with dependent children for the use of methamphetamine or methamphetamine and other drugs and include the following in the plan:

(A) A description of how the applicant will work jointly with the criminal justice and child welfare agencies needs<sup>4</sup> associated with the use of methamphetamine or methamphetamine and other drugs by pregnant and parenting women offenders to promote family stability and permanence.

(B) A description of the nature and the extent of the problem of methamphetamine use by pregnant and parenting women offenders.

(C) A certification that the State has involved counties, Indian tribes, and other units of local government, when appropriate, in the development, expansion, modification, operation or improvement of proposed programs to address the use, manufacture, or sale of methamphetamine.

(D) A certification that funds received under this section will be used to supplement, not supplant, other Federal, State, Tribal, and local funds.

(E) A description of clinically appropriate practices and procedures to—

(i) screen and assess pregnant and parenting women offenders for addiction to methamphetamine and other drugs;

(ii) when clinically appropriate for both the women and children, provide family

treatment for pregnant and parenting women offenders, with clinically appropriate services in the same location to promote family permanence and self sufficiency; and

(iii) provide for a process to enhance or ensure the abilities of the child welfare agency, criminal justice agency and State substance agency to work together to reunite families when appropriate in the case where family treatment is not provided.

**(d) Period of grant**

The grant shall be a three-year grant. Successful applicants may reapply for only one additional three-year funding cycle and the Attorney General may approve such applications.

**(e) Performance accountability; reports and evaluations**

**(1) Reports**

Successful applicants shall submit to the Attorney General a report on the activities carried out under the grant at the end of each fiscal year.

**(2) Evaluations**

Not later than 12 months at<sup>5</sup> the end of the 3 year funding cycle under this section, the Attorney General shall submit a report to the appropriate committees of jurisdiction that summarizes the results of the evaluations conducted by recipients and recommendations for further legislative action.

**(f) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as may be necessary.

(Pub. L. 109-177, title VII, §756, Mar. 9, 2006, 120 Stat. 275; Pub. L. 110-161, div. B, title II, §220(c), Dec. 26, 2007, 121 Stat. 1916.)

CODIFICATION

Section was enacted as part of the Combat Methamphetamine Epidemic Act of 2005, and also as part of the USA PATRIOT Improvement and Reauthorization Act of 2005, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

AMENDMENTS

2007—Subsec. (a)(2). Pub. L. 110-161, §220(c)(1), inserted “, territorial, or Tribal” after “State”.

Subsec. (b)(1). Pub. L. 110-161, §220(c)(2)(A), inserted “, territorial, or Tribal” after “State” and substituted “or” for “and/or”.

Subsec. (b)(2). Pub. L. 110-161, §220(c)(2)(B), inserted “, territory, Indian tribe,” after “agency of the State” and after “criminal laws of that State”.

Subsec. (b)(C). Pub. L. 110-161, §220(c)(2)(C), added par. (C).

Subsec. (c)(3). Pub. L. 110-161, §220(c)(3)(A), substituted “Indian tribes” for “Indian Tribes”.

Subsec. (c)(4). Pub. L. 110-161, §220(c)(3)(B)(i), struck out “State’s” after “expand the” and substituted “women or” for “women and/or” in introductory provisions.

Subsec. (c)(4)(A). Pub. L. 110-161, §220(c)(3)(B)(ii), struck out “State” after “with the”.

Subsec. (c)(4)(C). Pub. L. 110-161, §220(c)(3)(B)(iii), inserted “, Indian tribes,” after “involved counties”.

<sup>2</sup> So in original. Probably should be par. “(3)”.

<sup>3</sup> So in original. The comma probably should not appear.

<sup>4</sup> So in original. The word “needs” probably should not appear.

<sup>5</sup> So in original. Probably should be “after”.

Subsec. (c)(4)(D). Pub. L. 110-161, §220(c)(3)(B)(iv), inserted “, Tribal” after “Federal, State”.

**SUBCHAPTER XX-A—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS**

**CODIFICATION**

This subchapter is comprised of part JJ of title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351. Another part JJ of title I of Pub. L. 90-351 is classified to subchapter XX-B (§3797dd et seq.) of this chapter.

**§ 3797cc-21. Grant authorization**

**(a) Purpose**

The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

**(b) Definitions**

In this section:

**(1) Prosecutor**

The term “prosecutor” means a full-time employee of a State or unit of local government who—

(A) is continually licensed to practice law; and

(B) prosecutes criminal or juvenile delinquency cases at the State or unit of local government level (including supervision, education, or training of other persons prosecuting such cases).

**(2) Public defender**

The term “public defender” means an attorney who—

(A) is continually licensed to practice law; and

(B) is—

(i) a full-time employee of a State or unit of local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of the employee’s full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation); or

(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18 that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

**(3) Student loan**

**(A) In general**

Except as provided in subparagraph (B), the term “student loan” means—

(i) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

(ii) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

(iii) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 and 1087e(g)).

**(B) Exclusion of parent PLUS loans**

The term “student loan” does not include any of the following loans:

(i) A loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078-2).

(ii) A Federal Direct PLUS Loan made to the parents of a dependent student.

(iii) A loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 and 1087e(g)) to the extent that such loan was used to repay a loan described in clause (i) or (ii).

**(c) Program authorized**

The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

(1) is employed as a prosecutor or public defender; and

(2) is not in default on a loan for which the borrower seeks forgiveness.

**(d) Terms of agreement**

**(1) In general**

To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than three years, unless involuntarily separated from that employment;

(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee’s estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.