

CODIFICATION

Section was formerly classified to section 3796ff of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 1901 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 10541 of this title.

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).

§ 10422. 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 treat-

ment 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.

(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 10158 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), 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.)

CODIFICATION

Section was formerly classified to section 3796ff-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

¹ So in original. Probably should not be capitalized.

² So in original. Probably should be “Aftercare”.

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 follows: “To be eligible for a preference under this subchapter, a State must 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.”

Subsec. (c)(4). Pub. L. 109-162, §1145(b)(3), added par. (4).

Subsec. (e). Pub. L. 109-162, §1111(c)(2)(J), substituted “The office responsible for the trust fund required by section 3757 of this title” for “The Office designated under section 3757 of this title” in introductory provisions.

2002—Subsec. (f). Pub. L. 107-273 added subsec. (f).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 1111(c)(2)(J) of Pub. L. 109-162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109-162, set out as a note under section 10151 of this title.

Pub. L. 109-162, title XI, §1147, as added by Pub. L. 109-271, §8(n)(2)(A), Aug. 12, 2006, 120 Stat. 767, provided that: “The amendments made by sections 1144 and 1145 [amending this section and sections 10423 and 10424 of this title] shall take effect on October 1, 2006.”

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 60504 of this title.

§ 10423. Review of State applications

(a) In general

The Attorney General shall make a grant under section 10421 of this title to carry out the projects described in the application submitted under section 10422 of this title upon determining that—

(1) the application is consistent with the requirements of this subchapter; and

(2) before the approval of the application the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this subchapter.

(b) Approval

Each application submitted under section 10422 of this title shall be considered approved,

in whole or in part, by the Attorney General not later than 90 days after first received unless the Attorney General informs the applicant of specific reasons for disapproval.

(c) Restriction

Grant funds received under this subchapter shall not be used for land acquisition or construction projects.

(d) Disapproval notice and reconsideration

The Attorney General shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

(e) Priority for partnerships with community-based drug treatment programs

In considering an application submitted by a State under section 10422 of this title, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.

(Pub. L. 90-351, title I, §1903, as added Pub. L. 103-322, title III, §32101(a)(3), Sept. 13, 1994, 108 Stat. 1899; amended Pub. L. 109-162, title XI, §1145(c), Jan. 5, 2006, 119 Stat. 3112.)

CODIFICATION

Section was formerly classified to section 3796ff-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2006—Subsec. (e). Pub. L. 109-162 added subsec. (e).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-162 effective Oct. 1, 2006, see section 1147 of Pub. L. 109-162, set out as a note under section 10422 of this title.

§ 10424. Allocation and distribution of funds

(a) Allocation

Of the total amount appropriated under this subchapter in any fiscal year—

(1) 0.4 percent shall be allocated to each of the participating States; and

(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

(b) Federal share

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the projects described in the application submitted under section 10422 of this title for the fiscal year for which the projects receive assistance under this subchapter.

(c) Local allocation

At least 10 percent of the total amount made available to a State under subsection (a) for any fiscal year shall be used by the State to make grants to local correctional and detention facilities in the State (provided such facilities exist therein), for the purpose of assisting jail-based