

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).

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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 substance abuse treatment programs that are ef-