

Editorial Notes

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.

Section was formerly classified to section 3797cc-2 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.

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”.

§ 10664. 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 and¹ 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 State, territory, Indian tribe, or local government.

(C)² Indian tribe

The term “Indian tribe” has the meaning given the term in section 10554 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,³ 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 needs⁴ 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 addi-

¹ So in original. The word “and” probably should not appear.

² So in original. Probably should be par. “(3)”.

³ So in original. The comma probably should not appear.

⁴ So in original. The word “needs” probably should not appear.

tional 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 at⁵ 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.)

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Section was formerly classified to section 3797cc-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

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”.

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

SUBCHAPTER XXXV—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

Editorial Notes

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 was classified to subchapter XXXVI (§10681) of this chapter, prior to repeal by Pub. L. 115-391, title V, §502(c)(1), Dec. 21, 2018, 132 Stat. 5228.

§ 10671. 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:

⁵So in original. Probably should be “after”.