

COMPREHENSIVE OPIOID ABUSE REDUCTION ACT OF  
2016

MAY 6, 2016.—Committed to the Committee of the Whole House on the State of the  
Union and ordered to be printed

Mr. GOODLATTE, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.R. 5046]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5046) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to assist State and local governments in addressing the national epidemic of opioid abuse, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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### **Purpose and Summary**

H.R. 5046 authorizes the Attorney General to make grants to States, units of local government, and Indian tribes, for the purpose of providing services relating to opioid abuse. The grant program contains eight allowable uses for the grant funds, which are broadly construed to give states flexibility in responding to the opioid epidemic within their borders.

### **Background and Need for the Legislation**

In recent years, the United States has experienced a growing epidemic of prescription drug abuse and heroin use. Recently, this phenomenon has become commonly known as an opioid epidemic. An “opioid” is a type of narcotic derived from the opium poppy, which includes naturally-occurring drugs like morphine or codeine, as well as synthetic or partially synthetic drugs like hydrocodone (including brand names like Vicodin), oxycodone (including OxyContin and Percocet), and heroin. Hydrocodone products are the most commonly prescribed for a variety of painful conditions, including dental and injury-related pain. Morphine is often used before and after surgical procedures to alleviate severe pain. Codeine, on the other hand, is often prescribed for mild pain.

Non-illicit opioids act by attaching to specific proteins called opioid receptors, which are found in the brain, spinal cord, gastrointestinal tract, and other organs in the body. When these drugs attach to their receptors, they reduce the user’s perception of pain. However, opioids’ effect on the body means that they also have a very high potential for abuse. The drugs’ abuse potential, over-prescribing by the medical profession, and diversion of prescription opioids from the legitimate supply chain have all contributed to the ongoing epidemic. Today, an estimated 46,000 people die each year from prescription drug overdoses. Not only has the total number of opioid pain relievers prescribed in the United States skyrocketed in the past 25 years, but a recent study in the journal of American Medicine (JAMA) showed that more than half of chronic prescription drug abusers—meaning those who took pills for at least 200 days during the past year—received those pills from prescriptions written for them (27.3 percent) or friends and family (26 percent).

In response to these and other concerns, the Drug Enforcement Administration has cracked down on the illicit use of prescription drugs in recent years, and, in 2014, rescheduled hydrocodone from Schedule III to Schedule II, which has led to tighter regulation of “hydrocodone combination products.” In July 2015, the Judiciary Committee held a hearing on the topic of heroin, which also examined the related problem of prescription drug abuse. At that hearing, Committee members heard from government experts at the Federal and local levels about the growing availability of illicit heroin, which has not happened by accident. The crackdown on illicit prescription opioids means they have become very expensive on the illicit market (sometimes as high as \$1 per milligram). That means that, once a user has become addicted to the opioid, he or she may not be able to afford the pills. However, as an opioid itself, heroin has a similar effect on the body, and is much cheaper. South and

Central American drug cartels have noticed this, and have made a business decision to traffic more heroin across our Southern border.

H.R. 5046 is intended to continue the fight against opioid abuse, by creating a comprehensive grant program to address the problem. The new grant program builds off programs already being run at the Justice Department to address drug abuse, and specifically focus on opioid abuse. This legislation is similar to other proposals to enact new grant programs, but is more streamlined and condensed. This program is authorized at a higher level than existing proposals, but is fully offset to comply with House rules.

### **Hearings**

The Committee on the Judiciary held no hearings on H.R. 5046.

### **Committee Consideration**

On April 27, 2016, the Committee met in open session and ordered the bill H.R. 5046 favorably reported, without amendment, by voice vote, a quorum being present.

### **Committee Votes**

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 5046.

### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

### **New Budget Authority and Tax Expenditures**

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

### **Congressional Budget Office Cost Estimate**

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 5046, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 4, 2016.*

Hon. BOB GOODLATTE, CHAIRMAN,  
*Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5046, the “Comprehensive Opioid Abuse Reduction Act of 2016.”

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

KEITH HALL,  
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.  
Ranking Member

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**H.R. 5046—Comprehensive Opioid Abuse Reduction Act  
of 2016.**

As ordered reported by the House Committee on the Judiciary  
on April 27, 2016.

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SUMMARY

H.R. 5046 would authorize the appropriation of \$103 million annually over the 2017–2021 period for the Department of Justice (DOJ) to make grants to state, local, and tribal governments for programs to combat opioid abuse. The bill also would eliminate the current authorization of appropriations of \$20 million annually over the 2017–2021 period for DOJ to make grants to state and local governments for law enforcement emergencies. That grant program last received an appropriation in 2013 of about \$4 million. Assuming appropriation actions consistent with the bill, CBO estimates that implementing H.R. 5046 would have a net discretionary cost of \$248 million over the 2017–2021 period, and \$167 million after 2021.

Enacting the bill would not affect direct spending or revenues, so pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 5046 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5046 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 5046 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice). CBO assumes that the bill will be enacted near the end of 2016 and that outlays will follow the historical rate of spending for similar activities.

By Fiscal Year, in Millions of Dollars

|   | 2017 | 2018 | 2019 | 2020 | 2021 | 2017–<br>2021 |
|---|------|------|------|------|------|---------------|
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION                                    |      |      |      |      |      |               |
| Opioid Abuse Grants   |      |      |      |      |      |               |
| Authorization Level   | 103  | 103  | 103  | 103  | 103  | 515           |
| Estimated Outlays   | 23   | 54   | 74   | 90   | 103  | 344           |
| Eliminate Authorization of Emergency<br>Law Enforcement Assistance <sup>1</sup> |      |      |      |      |      |               |
| Authorization Level   | –20  | –20  | –20  | –20  | –20  | –100          |
| Estimated Outlays   | –16  | –20  | –20  | –20  | –20  | –96           |
| Total Changes   |      |      |      |      |      |               |
| Authorization Level   | 83   | 83   | 83   | 83   | 83   | 415           |
| Estimated Outlays   | 7    | 34   | 54   | 70   | 83   | 248           |

1. The Emergency Law Enforcement Assistance program is currently authorized at \$20 million annually. The program last received an appropriation in 2013 of about \$4 million.

## PAY-AS-YOU-GO CONSIDERATIONS

None.

## INCREASE IN LONG-TERM DIRECT SPENDING AND DEFICITS

CBO estimates that enacting H.R. 5046 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

## ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 5046 contains no intergovernmental mandates as defined in UMRA. State, local, and tribal governments would benefit from grants authorized in the bill to address epidemics of opioid abuse and addiction. Any costs to the state or local governments would result from complying with conditions of assistance.

## ESTIMATED IMPACT ON THE PRIVATE SECTOR

H.R. 5046 contains no private-sector mandates as defined in UMRA.

## ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz  
Impact on State, Local, and Tribal Governments: Rachel Austin  
Impact on the Private Sector: Paige Piper/Bach

## ESTIMATE APPROVED BY:

H. Samuel Papenfuss  
Deputy Assistant Director for Budget Analysis

**Duplication of Federal Programs**

No provision of H.R. 5046 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section

21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

### **Disclosure of Directed Rule Makings**

The Committee estimates that H.R. 5046 specifically directs to be completed no specific rule makings within the meaning of 5 U.S.C. § 551.

### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 5046 creates a new comprehensive grant program at the Department of Justice, and authorizes the Attorney General to make grants under that program to States, units of local government, and Indian tribes, for the purpose of providing services relating to opioid abuse.

### **Advisory on Earmarks**

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 5046 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

### **Section-by-Section Analysis**

The following discussion describes the bill as reported by the Committee.

*Section 1. Short Title.* This section cites the short title of the bill as the “Comprehensive Opioid Abuse Reduction Act of 2016.”

*Section 2. Comprehensive Opioid Abuse Grant Program.* This section creates a new Federal grant program, to be administered by the Department of Justice, as Part LL of the Omnibus Crime Control and Safe Streets Act of 1968.<sup>1</sup> The new sections are as follows:

Section 3021: This section authorizes the Attorney General to make grants to States, units of local government, and Indian tribes, for the purpose of providing services relating to opioid abuse. The grant program contains eight allowable uses for the grant funds, which are broadly construed to give states flexibility in responding to the opioid epidemic within their borders.

Briefly, the allowable uses include: (1) alternatives to incarceration programs; (2) collaboration between criminal justice agencies and substance abuse systems; (3) training for first responders in carrying and administering opioid overdose reversal drugs (including naloxone); (4) investigative purposes related to unlawful distribution of opioids; (5) medication-assisted treatment by criminal justice agencies; (6) prescription drug monitoring programs; (7) programs specifically targeted to juvenile opioid abuse; and (8) for a jurisdiction to develop its own comprehensive opioid abuse reduction program. This section also allows grantees to make subawards to local and regional non-profit organizations, including faith-based organizations.

Section 3022: This section lays out the process by which a potential grantee may apply for a grant, and imposes general requirements for recordkeeping and data reporting during the pendency of

<sup>1</sup> Pub. L. No. 90–351, 82 Stat. 197 (1968) (codified at 42 U.S.C. § 3711 et seq.).

a grant. This section also requires each grantee to work with the Drug Enforcement Administration (DEA) to develop a comprehensive strategy for addressing opioid abuse.

Section 3023: This section provides that the Attorney General may not reject an application without giving a potential grantee notice of the deficiencies in the application and an opportunity to correct them.

Section 3024: This section requires the Attorney General to ensure equitable geographic distribution of the grant funds, and to take into consideration the needs of rural and tribal communities.

Section 3025: This section contains definitions for the various terms used in the bill. This section also provides for an authorized funding level of \$103 million annually, all of which is fully offset.

*Section 3. Audit and Accountability of Grantees.* This section requires the DOJ Inspector General, at his discretion, to conduct audits of covered grantees to prevent waste, fraud, and abuse of funds. This section prohibits grantees with unresolved audit findings from receiving grants in the following fiscal year, and prioritizes grantees that do not have such findings. If a grantee nevertheless receives funds inappropriately, this section also compels DOJ to reimburse the Treasury for the amount awarded, and to seek to recoup the funds from the grantee.

With respect to nonprofit organizations, this section prohibits nonprofits that hold money in offshore accounts for the purpose of avoiding certain Federal taxes<sup>2</sup> from applying for grants. It also requires nonprofit organizations to disclose, in a grant application, the compensation of its Board of Directors. This section further prohibits nonprofits from using funds awarded under this Act to lobby Federal, state, or local government representatives regarding the award of grant funding. If a grantee nevertheless does so, this section requires DOJ to compel the grantee to repay the grant in full, and to prohibit the grantee from receiving a further grant under the program from which it received an award for at least 5 years.

*Section 4. Veterans Treatment Courts.* This section defines “qualified veterans” under this section as those that have served active duty in any branch of the Armed Services and have been discharged under conditions other than dishonorable. Additionally, it provides a definitional framework for “peer-to peer” programs, “veterans treatment court” programs, and “veterans assistance” programs that are eligible under this section.

*Section 5. Emergency Federal Law Enforcement Assistance.* This section amends the Emergency Federal Law Enforcement Assistance Program<sup>3</sup> to authorize the appropriation of \$100 million over 5 years in additional funding to support Federal anti-opioid programs.

### **Changes in Existing Law Made by the Bill, as Reported**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics,

<sup>2</sup>26 U.S.C. § 511(a).

<sup>3</sup>42 U.S.C. § 10513(a).

and existing law in which no change is proposed is shown in roman):

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT  
OF 1968**

\* \* \* \* \*

**TITLE I—JUSTICE SYSTEM IMPROVEMENT**

\* \* \* \* \*

**PART J—FUNDING**

**AUTHORIZATION OF APPROPRIATIONS**

SEC. 1001. (a)(1) There is authorized to be appropriated \$30,000,000 for fiscal year 1992 and \$33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the Bureau of Justice Statistics.

(2) There is authorized to be appropriated \$30,000,000 for fiscal year 1992 and \$33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the National Institute of Justice.

(3) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and \$28,000,000 for each of the fiscal years 1994 and 1995 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance other than functions under parts D, E, F, G, L, M, N, O, P, Q, or R or EE.

(4) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out part L of this title.

(5) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and \$1,000,000,000 for each of the fiscal years 1994 and 1995 to carry out the programs under parts D and E (other than chapter B of subpart 2) (other than chapter B of subpart 2 of part E) of this title.

(6) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, \$245,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995 to carry out chapter B of subpart 2 of part E of this title.

(7) There is authorized to be appropriated to carry out part N \$1,000,000 for each of fiscal years 2001 through 2005.

(8) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, \$16,500,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995.

(9) There are authorized to be appropriated to carry out part O—

- (A) \$24,000,000 for fiscal year 1996;
- (B) \$40,000,000 for fiscal year 1997;
- (C) \$50,000,000 for fiscal year 1998;
- (D) \$60,000,000 for fiscal year 1999; and
- (E) \$66,000,000 for fiscal year 2000.

(10) There are authorized to be appropriated \$10,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out projects under part P.

(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended \$1,047,119,000 for each of fiscal years 2006 through 2009.

(B) Of funds available under part Q in any fiscal year, up to 3 percent may be used for technical assistance under section 1701(d) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less. In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.

(16) There are authorized to be appropriated to carry out projects under part R—

- (A) \$20,000,000 for fiscal year 1996;
- (B) \$25,000,000 for fiscal year 1997;
- (C) \$30,000,000 for fiscal year 1998;
- (D) \$35,000,000 for fiscal year 1999; and
- (E) \$40,000,000 for fiscal year 2000.

(17) There are authorized to be appropriated to carry out the projects under part S—

- (A) \$27,000,000 for fiscal year 1996;
- (B) \$36,000,000 for fiscal year 1997;
- (C) \$63,000,000 for fiscal year 1998;
- (D) \$72,000,000 for fiscal year 1999; and
- (E) \$72,000,000 for fiscal year 2000.

(18) There is authorized to be appropriated to carry out part T \$222,000,000 for each of fiscal years 2014 through 2018.

(19) There is authorized to be appropriated to carry out part U \$73,000,000 for each of fiscal years 2014 through 2018. Funds appropriated under this paragraph shall remain available until expended.

(20) There are authorized to be appropriated to carry out part V, \$10,000,000 for each of fiscal years 2001 through 2004.

(21) There are authorized to be appropriated to carry out part W—

- (1) \$2,500,000 for fiscal year 1996;
- (2) \$4,000,000 for fiscal year 1997;
- (3) \$5,000,000 for fiscal year 1998;
- (4) \$6,000,000 for fiscal year 1999; and
- (5) \$7,500,000 for fiscal year 2000.

(22) There are authorized to be appropriated to carry out part X—

- (1) \$1,000,000 for fiscal year 1996;
- (2) \$3,000,000 for fiscal year 1997;
- (3) \$5,000,000 for fiscal year 1998;
- (4) \$13,500,000 for fiscal year 1999; and

- (5) \$17,500,000 for fiscal year 2000.
- (23) There are authorized to be appropriated to carry out part Y, \$25,000,000 for each of fiscal years 1999 through 2001, and \$50,000,000 for each of fiscal years 2002 through 2012.
- (24) There are authorized to be appropriated to carry out part BB, to remain available until expended—
  - (A) \$35,000,000 for fiscal year 2001;
  - (B) \$85,400,000 for fiscal year 2002;
  - (C) \$134,733,000 for fiscal year 2003;
  - (D) \$128,067,000 for fiscal year 2004;
  - (E) \$56,733,000 for fiscal year 2005;
  - (F) \$42,067,000 for fiscal year 2006;
  - (G) \$20,000,000 for fiscal year 2007;
  - (H) \$20,000,000 for fiscal year 2008; and
  - (I) \$20,000,000 for fiscal year 2009.
- (25)(A) Except as provided in subparagraph (C), there are authorized to be appropriated to carry out part EE—
  - (i) \$50,000,000 for fiscal year 2002;
  - (ii) \$54,000,000 for fiscal year 2003;
  - (iii) \$58,000,000 for fiscal year 2004; and
  - (iv) \$60,000,000 for fiscal year 2005.
    - (v) \$70,000,000 for each of fiscal years 2007 and 2008.
    - (v) \$70,000,000 for fiscal year 2006.
- (B) The Attorney General shall reserve not less than 1 percent and not more than 4.5 percent of the sums appropriated for this program in each fiscal year for research and evaluation of this program.
- (C) No funds made available to carry out part EE shall be expended if the Attorney General fails to submit the report required to be submitted under section 2401(c) of title II of Division B of the 21st Century Department of Justice Appropriations Authorization Act.
- (26) There are authorized to be appropriated to carry out part CC \$10,000,000 for each of fiscal years 2009 and 2010.
- (27) *There are authorized to be appropriated to carry out part LL \$103,000,000 for each of fiscal years 2017 through 2021.*
- (b) Funds appropriated for any fiscal year may remain available for obligation until expended.
- (c) Notwithstanding any other provision of law, no funds appropriated under this section for part E of this title may be transferred or reprogrammed for carrying out any activity which is not authorized under such part.

\* \* \* \* \*

**PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS**

**SEC. 2991. ADULT AND JUVENILE COLLABORATION PROGRAMS.**

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) APPLICANT.—The term “applicant” means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

(2) COLLABORATION PROGRAM.—The term “collaboration program” means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

- (A) a criminal or juvenile justice agency or a mental health court; and
- (B) a mental health agency.

(3) CRIMINAL OR JUVENILE JUSTICE AGENCY.—The term “criminal or juvenile justice agency” means an agency of a State 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 or local government.

(4) DIVERSION AND ALTERNATIVE PROSECUTION AND SENTENCING.—

(A) IN GENERAL.—The terms “diversion” and “alternative prosecution and sentencing” mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

(B) APPROPRIATE USE.—In this paragraph, the term “appropriate use” includes the discretion of the judge or supervising authority, the leveraging of graduated sanctions to encourage compliance with treatment, and law enforcement diversion, including crisis intervention teams.

(C) GRADUATED SANCTIONS.—In this paragraph, the term “graduated sanctions” means an accountability-based graduated series of sanctions (including incentives, treatments, and services) applicable to mentally ill offenders within both the juvenile and adult justice system to hold individuals accountable for their actions and to protect communities by providing appropriate sanctions for inducing law-abiding behavior and preventing subsequent involvement in the criminal justice system.

(5) MENTAL HEALTH AGENCY.—The term “mental health agency” means an agency of a State or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse services.

(6) MENTAL HEALTH COURT.—The term “mental health court” means a judicial program that meets the requirements of part V of this title.

(7) MENTAL ILLNESS.—The term “mental illness” means a diagnosable mental, behavioral, or emotional disorder—

(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(B)(i) that, in the case of an adult, has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; or

(ii) that, in the case of a juvenile, has resulted in functional impairment that substantially interferes with or

limits the juvenile's role or functioning in family, school, or community activities.

(8) NONVIOLENT OFFENSE.—The term “nonviolent offense” means an offense that does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another or is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(9) PRELIMINARILY QUALIFIED OFFENDER.—The term “preliminarily qualified offender” means an adult or juvenile accused of a nonviolent offense who—

(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders; or

(ii) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

(B) has faced, is facing, or could face criminal charges for a misdemeanor or nonviolent offense and is deemed eligible by a diversion process, designated pretrial screening process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person's mental illness.

(10) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(11) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

(b) PLANNING AND IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets preliminarily qualified offenders in order to promote public safety and public health.

(2) PURPOSES.—Grants awarded under this section shall be used to create or expand—

(A) mental health courts or other court-based programs for preliminarily qualified offenders;

(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel serving those with co-occurring mental illness and substance abuse problems in procedures for identifying the symptoms of preliminarily qualified offenders in order to respond appropriately to individuals with such illnesses;

(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health

treatment services and, where appropriate, substance abuse treatment services for—

(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

(3) APPLICATIONS.—

(A) IN GENERAL.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

(4) PLANNING GRANTS.—

(A) APPLICATION.—The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

(B) CONTENTS.—The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

(C) PERIOD OF GRANT.—A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

(D) AMOUNT.—The amount of a planning grant may not exceed \$75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

(E) COLLABORATION SET ASIDE.—Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

(5) IMPLEMENTATION GRANTS.—

(A) APPLICATION.—Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

(B) COLLABORATION.—To receive an implementation grant, the joint applicants shall—

(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency will participate in the administration of the collaboration program;

(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to provide supervision of offenders and jointly ensure that the provision of mental health treatment services and substance abuse services for individuals with co-occurring mental health and substance abuse disorders are coordinated, which may range from consultation or collaboration to integration in a single setting or treatment model;

(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

(iv) involve, to the extent practicable, in developing the grant application—

(I) preliminarily qualified offenders;

(II) the families and advocates of such individuals under subclause (I); and

(III) advocates for victims of crime.

(C) CONTENT.—To be eligible for an implementation grant, joint applicants shall comply with the following:

(i) DEFINITION OF TARGET POPULATION.—Applicants for an implementation grant shall—

(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

(II) develop guidelines that can be used by personnel of an adult or juvenile justice agency to identify preliminarily qualified offenders.

(ii) SERVICES.—Applicants for an implementation grant shall—

(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, validated, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

(II) specify plans for making mental health, or mental health and substance abuse, treatment services available and accessible to preliminarily qualified offenders at the time of their release from the criminal justice system, including outside of normal business hours;

(III) ensure that there are substance abuse personnel available to respond appropriately to the treatment needs of preliminarily qualified offenders;

(IV) determine eligibility for Federal benefits;

(V) ensure that preliminarily qualified offenders served by the collaboration program will have adequate supervision and access to effective and appropriate community-based mental health services, including, in the case of individuals with co-occurring mental health and substance abuse disorders, coordinated services, which may range from consultation or collaboration to integration in a single setting treatment model;

(VI) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

(VII) include strategies, to the extent practicable, to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

(D) HOUSING AND JOB PLACEMENT.—Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

(E) POLICIES AND PROCEDURES.—Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

(F) FINANCIAL.—Applicants for an implementation grant shall—

(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as Medicaid, Medicare, and the State Children's Insurance Program); and

(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

(G) OUTCOMES.—Applicants for an implementation grant shall—

(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary,

to be used in evaluating the effectiveness of the collaboration program;

(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

(H) STATE PLANS.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

(I) USE OF FUNDS.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERNATIVE PROSECUTION AND SENTENCING PROGRAMS.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title, other court-based programs, or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

(ii) TRAINING.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

(I) criminal justice system personnel to identify and respond appropriately to the unique needs of preliminarily qualified offenders; or

(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

(iii) SERVICE DELIVERY.—Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

(iv) IN-JAIL AND TRANSITIONAL SERVICES.—Funds may be used to promote and provide mental health treatment and transitional services for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

(J) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

(2) promote effective strategies for identification and treatment of female mentally ill offenders;

(3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders; or

(4)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

(D) have the support of both the Attorney General and the Secretary.

(d) MATCHING REQUIREMENTS.—

(1) FEDERAL SHARE.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

(A) 80 percent of the total cost of the program during the first 2 years of the grant;

(B) 60 percent of the total cost of the program in year 3; and

(C) 25 percent of the total cost of the program in years 4 and 5.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(e) FEDERAL USE OF FUNDS.—The Attorney General, in consultation with the Secretary, in administering grants under this section, may use up to 3 percent of funds appropriated to—

(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

(5) develop a uniform program evaluation process; and

(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

(f) INTERAGENCY TASK FORCE.—

(1) IN GENERAL.—The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

(2) RESPONSIBILITIES.—The task force established under paragraph (1) shall—

(A) identify policies within their departments that hinder or facilitate local collaborative initiatives for preliminarily qualified offenders; and

(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to preliminarily qualified offenders.

(g) MINIMUM ALLOCATION.—Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

(h) LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.—

(1) AUTHORIZATION.—The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

(A) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(B) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

(C) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

(D) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

(E) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(2) BJA TRAINING MODELS.—For purposes of paragraph (1)(A), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

(3) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this subsection may not exceed 50 percent of the costs of the program. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(i) ASSISTING VETERANS.—

(1) DEFINITIONS.—*In this subsection:*

(A) PEER TO PEER SERVICES OR PROGRAMS.—*The term “peer to peer services or programs” means services or programs that connect qualified veterans with other veterans for the purpose of providing support and mentorship to assist qualified veterans in obtaining treatment, recovery, stabilization, or rehabilitation.*

(B) QUALIFIED VETERAN.—*The term “qualified veteran” means a preliminarily qualified offender who—*

(i) *served on active duty in any branch of the Armed Forces, including the National Guard or Reserves; and*

(ii) *was discharged or released from such service under conditions other than dishonorable.*

(C) VETERANS TREATMENT COURT PROGRAM.—*The term “veterans treatment court program” means a court program involving collaboration among criminal justice, veterans, and mental health and substance abuse agencies that provides qualified veterans with—*

(i) *intensive judicial supervision and case management, which may include random and frequent drug testing where appropriate;*

(ii) *a full continuum of treatment services, including mental health services, substance abuse services, medical services, and services to address trauma;*

(iii) *alternatives to incarceration; or*

(iv) *other appropriate services, including housing, transportation, mentoring, employment, job training, education, or assistance in applying for and obtaining available benefits.*

(2) VETERANS ASSISTANCE PROGRAM.—

(A) IN GENERAL.—*The Attorney General, in consultation with the Secretary of Veterans Affairs, may award grants under this subsection to applicants to establish or expand—*

(i) *veterans treatment court programs;*

(ii) *peer to peer services or programs for qualified veterans;*

(iii) *practices that identify and provide treatment, rehabilitation, legal, transitional, and other appropriate services to qualified veterans who have been incarcerated; or*

(iv) *training programs to teach criminal justice, law enforcement, corrections, mental health, and substance abuse personnel how to identify and appropriately respond to incidents involving qualified veterans.*

(B) *PRIORITY.*—*In awarding grants under this subsection, the Attorney General shall give priority to applications that—*

(i) *demonstrate collaboration between and joint investments by criminal justice, mental health, substance abuse, and veterans service agencies;*

(ii) *promote effective strategies to identify and reduce the risk of harm to qualified veterans and public safety; and*

(iii) *propose interventions with empirical support to improve outcomes for qualified veterans.*

[(i)] (j) **AUTHORIZATION OF APPROPRIATIONS.**—(1) **IN GENERAL.**—*There are authorized to be appropriated to the Department of Justice to carry out this section—*

(A) \$50,000,000 for fiscal year 2005;

(B) such sums as may be necessary for each of the fiscal years 2006 and 2007; and

(C) \$50,000,000 for each of the fiscal years 2009 through 2014.

(2) **ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.**—*For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.*

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**PART LL—COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM**

**SEC. 3021. DESCRIPTION.**

(a) **GRANTS AUTHORIZED.**—*From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes, for use by the State, unit of local government, or Indian tribe to provide services primarily relating to opioid abuse, including for any one or more of the following:*

(1) *Developing, implementing, or expanding a treatment alternative to incarceration program, which may include—*

(A) *pre-booking or post-booking components, which may include the activities described in part HH of this title;*

(B) *training for criminal justice agency personnel on substance use disorders and co-occurring mental illness and substance use disorders;*

(C) *a mental health court, including the activities described in part V of this title;*

(D) *a drug court, including the activities described in part EE of this title; and*

(E) *a veterans treatment court program, including the activities described in subsection (i) of section 2991 of this title.*

(2) *In the case of a State, facilitating or enhancing planning and collaboration between State criminal justice agencies and State substance abuse systems in order to more efficiently*

and effectively carry out programs described in paragraph (1) that address problems related to opioid abuse.

(3) Providing training and resources for first responders on carrying and administering an opioid overdose reversal drug or device approved by the Food and Drug Administration, and purchasing such a drug or device for first responders who have received such training to carry and administer.

(4) Investigative purposes to locate or investigate illicit activities related to the unlawful distribution of opioids.

(5) Developing, implementing, or expanding a medication-assisted treatment program used or operated by a criminal justice agency, which may include training criminal justice agency personnel on medication-assisted treatment, and carrying out the activities described in part S of this title.

(6) In the case of a State, developing, implementing, or expanding a prescription drug monitoring program to collect and analyze data related to the prescribing of schedule II, III, and IV controlled substances through a centralized database administered by an authorized State agency, which includes tracking the dispensation of such substances, and providing for data sharing with other States.

(7) Developing, implementing, or expanding a program to prevent and address opioid abuse by juveniles.

(8) Developing, implementing, or expanding an integrated and comprehensive opioid abuse response program.

(b) **CONTRACTS AND SUBAWARDS.**—A State, unit of local government, or Indian tribe may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

(1) local or regional organizations that are private and nonprofit, including faith-based organizations;

(2) units of local government; or

(3) tribal organizations.

(c) **PROGRAM ASSESSMENT COMPONENT; WAIVER.**—

(1) **PROGRAM ASSESSMENT COMPONENT.**—Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

(2) **WAIVER.**—The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) **ADMINISTRATIVE COSTS.**—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

(e) **PERIOD.**—The period of a grant made under this part may not be longer than 4 years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

**SEC. 3022. APPLICATIONS.**

To request a grant under this part, the chief executive officer of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time and in such form

as the Attorney General may require. Such application shall include the following:

(1) A certification that Federal funds made available under this subpart will not be used to supplant State, local, or tribal funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for the activities described in section 3021(a).

(2) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

(3) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

(A) the programs to be funded by the grant meet all the requirements of this part;

(B) all the information contained in the application is correct;

(C) there has been appropriate coordination with affected agencies; and

(D) the applicant will comply with all provisions of this part and all other applicable Federal laws.

(4) An assurance that the applicant will work with the Drug Enforcement Administration to develop an integrated and comprehensive strategy to address opioid abuse.

**SEC. 3023. REVIEW OF APPLICATIONS.**

The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this part without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

**SEC. 3024. GEOGRAPHIC DIVERSITY.**

The Attorney General shall ensure equitable geographic distribution of grants under this part and take into consideration the needs of underserved populations, including rural and tribal communities.

**SEC. 3025. DEFINITIONS.**

In this part:

(1) The term “first responder” includes a firefighter, law enforcement officer, paramedic, emergency medical technician, or other individual (including an employee of a legally organized and recognized volunteer organization, whether compensated or not), who, in the course of professional duties, responds to fire, medical, hazardous material, or other similar emergencies.

(2) The term “medication-assisted treatment” means the use of medications approved by the Food and Drug Administration for the treatment of opioid abuse.

(3) The term “opioid” means any drug, including heroin, having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

(4) The term “schedule II, III, or IV controlled substance” means a controlled substance that is listed on schedule II,

*schedule III, or schedule IV of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).*

*(5) The terms “drug” and “device” have the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).*

*(6) The term “criminal justice agency” means a State, local, or tribal—*

*(A) court;*

*(B) prison;*

*(C) jail;*

*(D) law enforcement agency; or*

*(E) other agency that performs the administration of criminal justice, including prosecution, pretrial services, and community supervision.*

*(7) The term “tribal organization” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).*

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**JUSTICE ASSISTANCE ACT OF 1984**

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AUTHORIZATION OF APPROPRIATIONS

SEC. 609Y. (a) There is authorized to be appropriated \$20,000,000 for each fiscal year ending after **September 30, 1984** *September 30, 2021*, to provide under this subdivision federal law enforcement assistance in the form of funds.

(b) There are authorized to be appropriated for each fiscal year ending after September 30, 1984, such sums as may be necessary to provide under this subdivision Federal law enforcement assistance other than funds.

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