

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 10701(a) of this title.

(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 activities or services to be funded by the grant meet all the requirements of this subchapter;

(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 subchapter 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.

(Pub. L. 90-351, title I, §3022, as added Pub. L. 114-198, title II, §201(a)(1), July 22, 2016, 130 Stat. 712.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 3797ff-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 10703. Review of applications

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

(Pub. L. 90-351, title I, §3023, as added Pub. L. 114-198, title II, §201(a)(1), July 22, 2016, 130 Stat. 713.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 3797ff-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

#### § 10704. Equitable distribution of funds

In awarding grants under this subchapter, the Attorney General shall distribute funds in a manner that—

(1) equitably addresses the needs of underserved populations, including rural and tribal communities; and

(2) focuses on communities that have been disproportionately impacted by opioid abuse as evidenced in part by—

(A) high rates of primary treatment admissions for heroin and other opioids;

(B) high rates of drug poisoning deaths from heroin and other opioids; and

(C) a lack of accessibility to treatment providers and facilities and to emergency medical services.

(Pub. L. 90-351, title I, §3024, as added Pub. L. 114-198, title II, §201(a)(1), July 22, 2016, 130 Stat. 713.)

#### Editorial Notes

##### CODIFICATION

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

#### § 10705. Definitions

In this subchapter:

(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 his or her 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 812(c) of title 21.

(5) The terms “drug” and “device” have the meanings given those terms in section 321 of title 21.

(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 5304 of title 25.

(8) The term “State substance abuse agency” has the meaning given that term in section 290bb-1(r)(6)<sup>1</sup> of title 42.

(Pub. L. 90-351, title I, §3025, as added Pub. L. 114-198, title II, §201(a)(1), July 22, 2016, 130 Stat. 713.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 290bb-1(r)(6) of title 42, referred to in par. (8), was redesignated section 290bb-1(r)(5) of title 42 by Pub.

<sup>1</sup> See References in Text note below.

L. 117-328, div. FF, title I, §1114(2), Dec. 29, 2022, 136 Stat. 5647.

CODIFICATION

Section was formerly classified to section 3797ff-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 10706. Grant accountability**

**(a) Definition of applicable committees**

In this section, the term “applicable committees” means—

- (1) the Committee on the Judiciary of the Senate; and
- (2) the Committee on the Judiciary of the House of Representatives.

**(b) Accountability**

All grants awarded by the Attorney General under this subchapter shall be subject to the following accountability provisions:

**(1) Audit requirement**

**(A) Definition**

In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months after the date on which the final audit report is issued.

**(B) Audit**

Beginning in the first fiscal year beginning after July 22, 2016, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants awarded by the Attorney General under this subchapter to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

**(C) Mandatory exclusion**

A recipient of grant funds under this subchapter that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subchapter during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

**(D) Priority**

In awarding grants under this subchapter, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this subchapter.

**(E) Reimbursement**

If an entity is awarded grant funds under this subchapter during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

- (i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

- (ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

**(2) Nonprofit organization requirements**

**(A) Definition**

For purposes of this paragraph and the grant programs under this subchapter, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of such title.

**(B) Prohibition**

A nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of title 26 may not—

- (i) be party to a contract entered into under section 10701(b) of this title; or
- (ii) receive a subaward under section 10701(b) of this title.

**(C) Disclosure**

Each nonprofit organization that receives a subaward or is party to a contract entered into under section 10701(b) of this title and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose, in the application for such contract or subaward, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

**(3) Conference expenditures**

**(A) Limitation**

No amounts made available to the Attorney General under this subchapter may be used by the Attorney General, or by any State, unit of local government, or entity awarded a grant, subaward, or contract under this subchapter, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Attorney General, unless the head of the relevant agency, bureau, or program office provides prior written authorization that the funds may be expended to host or support the conference.

**(B) Written authorization**

Written authorization under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

**(C) Report**

The Deputy Attorney General shall submit to the applicable committees an annual report on all conference expenditures approved by the Attorney General under this paragraph.