

114TH CONGRESS
2D SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2016

Mr. SENSENBRENNER (for himself, Ms. JACKSON LEE, Mr. GOODLATTE, Mr. CONYERS, Mr. CHABOT, Mr. RYAN of Ohio, Mr. FORBES, Mr. BISHOP of Michigan, and Mr. GUINTA) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Comprehensive Opioid
5 Abuse Reduction Act of 2016”.

1 **SEC. 2. COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.**

2 (a) IN GENERAL.—Title I of the Omnibus Crime
3 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
4 et seq.) is amended by adding at the end the following:

5 **“PART LL—COMPREHENSIVE OPIOID ABUSE**
6 **GRANT PROGRAM**

7 **“SEC. 3021. DESCRIPTION.**

8 “(a) GRANTS AUTHORIZED.—From amounts made
9 available to carry out this part, the Attorney General may
10 make grants to States, units of local government, and In-
11 dian tribes, for use by the State, unit of local government,
12 or Indian tribe to provide services primarily relating to
13 opioid abuse, including for any one or more of the fol-
14 lowing:

15 “(1) Developing, implementing, or expanding a
16 treatment alternative to incarceration program,
17 which may include—

18 “(A) pre-booking or post-booking compo-
19 nents, which may include the activities de-
20 scribed in part HH of this title;

21 “(B) training for criminal justice agency
22 personnel on substance use disorders and co-oc-
23 ccurring mental illness and substance use dis-
24 orders;

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

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

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

6 “(2) In the case of a State, facilitating or en-
7 hancing planning and collaboration between State
8 criminal justice agencies and State substance abuse
9 systems in order to more efficiently and effectively
10 carry out programs described in paragraph (1) that
11 address problems related to opioid abuse.

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

18 “(4) Investigative purposes to locate or inves-
19 tigate illicit activities related to the unlawful dis-
20 tribution of opioids.

21 “(5) Developing, implementing, or expanding a
22 medication-assisted treatment program used or oper-
23 ated by a criminal justice agency, which may include
24 training criminal justice agency personnel on medi-

1 cation-assisted treatment, and carrying out the ac-
2 tivities described in part S of this title.

3 “(6) In the case of a State, developing, imple-
4 menting, or expanding a prescription drug moni-
5 toring program to collect and analyze data related to
6 the prescribing of schedule II, III, and IV controlled
7 substances through a centralized database adminis-
8 tered by an authorized State agency, which includes
9 tracking the dispensation of such substances, and
10 providing for data sharing with other States.

11 “(7) Developing, implementing, or expanding a
12 program to prevent and address opioid abuse by ju-
13 veniles.

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

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

22 “(1) local or regional organizations that are pri-
23 vate and nonprofit, including faith-based organiza-
24 tions;

25 “(2) units of local government; or

1 “(3) tribal organizations.

2 “(c) PROGRAM ASSESSMENT COMPONENT; WAIV-
3 ER.—

4 “(1) PROGRAM ASSESSMENT COMPONENT.—
5 Each program funded under this subpart shall con-
6 tain a program assessment component, developed
7 pursuant to guidelines established by the Attorney
8 General, in coordination with the National Institute
9 of Justice.

10 “(2) WAIVER.—The Attorney General may
11 waive the requirement of paragraph (1) with respect
12 to a program if, in the opinion of the Attorney Gen-
13 eral, the program is not of sufficient size to justify
14 a full program assessment.

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

18 “(e) PERIOD.—The period of a grant made under
19 this part may not be longer than 4 years, except that re-
20 newals and extensions beyond that period may be granted
21 at the discretion of the Attorney General.

22 **“SEC. 3022. APPLICATIONS.**

23 “To request a grant under this part, the chief execu-
24 tive officer of a State, unit of local government, or Indian
25 tribe shall submit an application to the Attorney General

1 at such time and in such form as the Attorney General
2 may require. Such application shall include the following:

3 “(1) A certification that Federal funds made
4 available under this subpart will not be used to sup-
5 plant State, local, or tribal funds, but will be used
6 to increase the amounts of such funds that would,
7 in the absence of Federal funds, be made available
8 for the activities described in section 3021(a).

9 “(2) An assurance that, for each fiscal year
10 covered by an application, the applicant shall main-
11 tain and report such data, records, and information
12 (programmatic and financial) as the Attorney Gen-
13 eral may reasonably require.

14 “(3) A certification, made in a form acceptable
15 to the Attorney General and executed by the chief
16 executive officer of the applicant (or by another offi-
17 cer of the applicant, if qualified under regulations
18 promulgated by the Attorney General), that—

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

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

23 “(C) there has been appropriate coordina-
24 tion with affected agencies; and

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

4 “(4) An assurance that the applicant will work
5 with the Drug Enforcement Administration to de-
6 velop an integrated and comprehensive strategy to
7 address opioid abuse.

8 **“SEC. 3023. REVIEW OF APPLICATIONS.**

9 “The Attorney General shall not finally disapprove
10 any application (or any amendment to that application)
11 submitted under this part without first affording the ap-
12 plicant reasonable notice of any deficiencies in the applica-
13 tion and opportunity for correction and reconsideration.

14 **“SEC. 3024. GEOGRAPHIC DIVERSITY.**

15 “The Attorney General shall ensure equitable geo-
16 graphic distribution of grants under this part and take
17 into consideration the needs of underserved populations,
18 including rural and tribal communities.

19 **“SEC. 3025. DEFINITIONS.**

20 “In this part:

21 “(1) The term ‘first responder’ includes a fire-
22 fighter, law enforcement officer, paramedic, emer-
23 gency medical technician, or other individual (includ-
24 ing an employee of a legally organized and recog-
25 nized volunteer organization, whether compensated

1 or not), who, in the course of professional duties, re-
2 sponds to fire, medical, hazardous material, or other
3 similar emergencies.

4 “(2) The term ‘medication-assisted treatment’
5 means the use of medications approved by the Food
6 and Drug Administration for the treatment of opioid
7 abuse.

8 “(3) The term ‘opioid’ means any drug, includ-
9 ing heroin, having an addiction-forming or addiction-
10 sustaining liability similar to morphine or being ca-
11 pable of conversion into a drug having such addic-
12 tion-forming or addiction-sustaining liability.

13 “(4) The term ‘schedule II, III, or IV controlled
14 substance’ means a controlled substance that is list-
15 ed on schedule II, schedule III, or schedule IV of
16 section 202(c) of the Controlled Substances Act (21
17 U.S.C. 812(e)).

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

22 “(6) The term ‘criminal justice agency’ means
23 a State, local, or tribal—

24 “(A) court;

25 “(B) prison;

1 “(C) jail;

2 “(D) law enforcement agency; or

3 “(E) other agency that performs the ad-
4 ministration of criminal justice, including pros-
5 ecution, pretrial services, and community super-
6 vision.

7 “(7) The term ‘tribal organization’ has the
8 meaning given that term in section 4 of the Indian
9 Self-Determination and Education Assistance Act
10 (25 U.S.C. 450b).”.

11 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
12 1001(a) of the Omnibus Crime Control and Safe Streets
13 Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting
14 after paragraph (26) the following:

15 “(27) There are authorized to be appropriated
16 to carry out part LL \$103,000,000 for each of fiscal
17 years 2017 through 2021.”.

18 **SEC. 3. AUDIT AND ACCOUNTABILITY OF GRANTEES.**

19 (a) **DEFINITIONS.**—In this section—

20 (1) the term “covered grant program” means a
21 grant program operated by the Department of Jus-
22 tice;

23 (2) the term “covered grantee” means a recipi-
24 ent of a grant from a covered grant program;

1 (3) the term “nonprofit”, when used with re-
2 spect to an organization, means an organization that
3 is described in section 501(c)(3) of the Internal Rev-
4 enue Code of 1986, and is exempt from taxation
5 under section 501(a) of such Code; and

6 (4) the term “unresolved audit finding” means
7 an audit report finding in a final audit report of the
8 Inspector General of the Department of Justice that
9 a covered grantee has used grant funds awarded to
10 that grantee under a covered grant program for an
11 unauthorized expenditure or otherwise unallowable
12 cost that is not closed or resolved during a 12-month
13 period prior to the date on which the final audit re-
14 port is issued.

15 (b) AUDIT REQUIREMENT.—Beginning in fiscal year
16 2016, and annually thereafter, the Inspector General of
17 the Department of Justice shall conduct audits of covered
18 grantees to prevent waste, fraud, and abuse of funds
19 awarded under covered grant programs. The Inspector
20 General shall determine the appropriate number of cov-
21 ered grantees to be audited each year.

22 (c) MANDATORY EXCLUSION.—A grantee that is
23 found to have an unresolved audit finding under an audit
24 conducted under subsection (b) may not receive grant

1 funds under a covered grant program in the fiscal year
2 following the fiscal year to which the finding relates.

3 (d) REIMBURSEMENT.—If a covered grantee is
4 awarded funds under the covered grant program from
5 which it received a grant award during the 1-fiscal-year
6 period during which the covered grantee is ineligible for
7 an allocation of grant funds under subsection (c), the At-
8 torney General shall—

9 (1) deposit into the General Fund of the Treas-
10 ury an amount that is equal to the amount of the
11 grant funds that were improperly awarded to the
12 covered grantee; and

13 (2) seek to recoup the costs of the repayment
14 to the Fund from the covered grantee that was im-
15 properly awarded the grant funds.

16 (e) PRIORITY OF GRANT AWARDS.—The Attorney
17 General, in awarding grants under a covered grant pro-
18 gram shall give priority to eligible entities that during the
19 2-year period preceding the application for a grant have
20 not been found to have an unresolved audit finding.

21 (f) NONPROFIT REQUIREMENTS.—

22 (1) PROHIBITION.—A nonprofit organization
23 that holds money in offshore accounts for the pur-
24 pose of avoiding the tax described in section 511(a)
25 of the Internal Revenue Code of 1986, shall not be

1 eligible to receive, directly or indirectly, any funds
2 from a covered grant program.

3 (2) DISCLOSURE.—Each nonprofit organization
4 that is a covered grantee shall disclose in its applica-
5 tion for such a grant, as a condition of receipt of
6 such a grant, the compensation of its officers, direc-
7 tors, and trustees. Such disclosure shall include a
8 description of the criteria relied on to determine
9 such compensation.

10 **SEC. 4. VETERANS TREATMENT COURTS.**

11 Section 2991 of the Omnibus Crime Control and Safe
12 Streets Act of 1968 (42 U.S.C. 3797aa) is amended—

13 (1) by redesignating subsection (i) as subsection
14 (j); and

15 (2) by inserting after subsection (h) the fol-
16 lowing:

17 “(i) ASSISTING VETERANS.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) PEER TO PEER SERVICES OR PRO-
20 GRAMS.—The term ‘peer to peer services or
21 programs’ means services or programs that con-
22 nect qualified veterans with other veterans for
23 the purpose of providing support and
24 mentorship to assist qualified veterans in ob-

1 taining treatment, recovery, stabilization, or re-
2 habilitation.

3 “(B) QUALIFIED VETERAN.—The term
4 ‘qualified veteran’ means a preliminarily quali-
5 fied offender who—

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

9 “(ii) was discharged or released from
10 such service under conditions other than
11 dishonorable.

12 “(C) VETERANS TREATMENT COURT PRO-
13 GRAM.—The term ‘veterans treatment court
14 program’ means a court program involving col-
15 laboration among criminal justice, veterans, and
16 mental health and substance abuse agencies
17 that provides qualified veterans with—

18 “(i) intensive judicial supervision and
19 case management, which may include ran-
20 dom and frequent drug testing where ap-
21 propriate;

22 “(ii) a full continuum of treatment
23 services, including mental health services,
24 substance abuse services, medical services,
25 and services to address trauma;

1 “(iii) alternatives to incarceration; or

2 “(iv) other appropriate services, in-
3 cluding housing, transportation, mentoring,
4 employment, job training, education, or as-
5 sistance in applying for and obtaining
6 available benefits.

7 “(2) VETERANS ASSISTANCE PROGRAM.—

8 “(A) IN GENERAL.—The Attorney General,
9 in consultation with the Secretary of Veterans
10 Affairs, may award grants under this sub-
11 section to applicants to establish or expand—

12 “(i) veterans treatment court pro-
13 grams;

14 “(ii) peer to peer services or programs
15 for qualified veterans;

16 “(iii) practices that identify and pro-
17 vide treatment, rehabilitation, legal, transi-
18 tional, and other appropriate services to
19 qualified veterans who have been incarcer-
20 ated; or

21 “(iv) training programs to teach
22 criminal justice, law enforcement, correc-
23 tions, mental health, and substance abuse
24 personnel how to identify and appro-

1 priately respond to incidents involving
2 qualified veterans.

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

6 “(i) demonstrate collaboration be-
7 tween and joint investments by criminal
8 justice, mental health, substance abuse,
9 and veterans service agencies;

10 “(ii) promote effective strategies to
11 identify and reduce the risk of harm to
12 qualified veterans and public safety; and

13 “(iii) propose interventions with em-
14 pirical support to improve outcomes for
15 qualified veterans.”.

16 **SEC. 5. EMERGENCY FEDERAL LAW ENFORCEMENT ASSIST-**
17 **ANCE.**

18 Section 609Y(a) of the Justice Assistance Act of
19 1984 (42 U.S.C. 10513(a)) is amended by striking “Sep-
20 tember 30, 1984” and inserting “September 30, 2021”.

○