

114TH CONGRESS
2D SESSION

H. R. 5046

IN THE SENATE OF THE UNITED STATES

MAY 16, 2016

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

8 **“PART LL—COMPREHENSIVE OPIOID ABUSE**
9 **GRANT PROGRAM**

10 **“SEC. 3021. DESCRIPTION.**

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

18 “(1) Developing, implementing, or expanding a
19 treatment alternative to incarceration program,
20 which may include—

21 “(A) pre-booking or post-booking compo-
22 nents, which may include the activities de-
23 scribed in part DD or HH of this title;

24 “(B) training for criminal justice agency
25 personnel on substance use disorders and co-oc-

1 curring mental illness and substance use dis-
2 orders;

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

5 “(D) a drug court, including the activities
6 described in part EE of this title;

7 “(E) a veterans treatment court program,
8 including the activities described in subsection
9 (i) of section 2991 of this title;

10 “(F) a focus on parents whose incarcer-
11 ation could result in their children entering the
12 child welfare system; and

13 “(G) a community-based substance use di-
14 version program sponsored by a law enforce-
15 ment agency.

16 “(2) In the case of a State, facilitating or en-
17 hancing planning and collaboration between State
18 criminal justice agencies and State substance abuse
19 systems in order to more efficiently and effectively
20 carry out programs described in paragraph (1) that
21 address problems related to opioid abuse.

22 “(3) Providing training and resources for first
23 responders on carrying and administering an opioid
24 overdose reversal drug or device approved by the
25 Food and Drug Administration, and purchasing

1 such a drug or device for first responders who have
2 received such training to carry and administer.

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

6 “(5) Developing, implementing, or expanding a
7 medication-assisted treatment program used or oper-
8 ated by a criminal justice agency, which may include
9 training criminal justice agency personnel on medi-
10 cation-assisted treatment, and carrying out the ac-
11 tivities described in part S of this title.

12 “(6) In the case of a State, developing, imple-
13 menting, or expanding a prescription drug moni-
14 toring program to collect and analyze data related to
15 the prescribing of schedules II, III, and IV con-
16 trolled substances through a centralized database
17 administered by an authorized State agency, which
18 includes tracking the dispensation of such sub-
19 stances, and providing for interoperability and data
20 sharing with other States.

21 “(7) Developing, implementing, or expanding a
22 program to prevent and address opioid abuse by ju-
23 veniles.

24 “(8) Developing, implementing, or expanding an
25 integrated and comprehensive opioid abuse response

1 program, including prevention and recovery pro-
2 grams.

3 “(9) Developing, implementing, or expanding a
4 program (which may include demonstration projects)
5 to utilize technology that provides a secure container
6 for prescription drugs that would prevent individ-
7 uals, particularly adolescents, from gaining access to
8 opioid medications that are lawfully prescribed for
9 other individuals.

10 “(10) Developing, implementing, or expanding a
11 program to prevent and address opioid abuse by vet-
12 erans.

13 “(11) Developing, implementing, or expanding a
14 prescription drug take-back program.

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

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

23 “(2) units of local government; or

24 “(3) tribal organizations.

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

3 “(1) PROGRAM ASSESSMENT COMPONENT.—

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

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

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

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

21 **“SEC. 3022. APPLICATIONS.**

22 “To request a grant under this part, the chief execu-
23 tive officer of a State, unit of local government, or Indian
24 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. EQUITABLE DISTRIBUTION OF FUNDS.**

15 “In awarding grants under this part, the Attorney
16 General shall ensure equitable distribution of funds based
17 on the following:

18 “(1) The geographic distribution of grants
19 under this part, taking into consideration the needs
20 of underserved populations, including rural and trib-
21 al communities.

22 “(2) The needs of communities to address the
23 problems related to opioid abuse, taking into consid-
24 eration the prevalence of opioid abuse and overdose-
25 related death in a community.

1 **“SEC. 3025. DEFINITIONS.**

2 “In this part:

3 “(1) The term ‘first responder’ includes a fire-
4 fighter, law enforcement officer, paramedic, emer-
5 gency medical technician, or other individual (includ-
6 ing an employee of a legally organized and recog-
7 nized volunteer organization, whether compensated
8 or not), who, in the course of professional duties, re-
9 sponds to fire, medical, hazardous material, or other
10 similar emergencies.

11 “(2) The term ‘medication-assisted treatment’
12 means the use of medications approved by the Food
13 and Drug Administration for the treatment of opioid
14 abuse.

15 “(3) The term ‘opioid’ means any drug, includ-
16 ing heroin, having an addiction-forming or addiction-
17 sustaining liability similar to morphine or being ca-
18 pable of conversion into a drug having such addic-
19 tion-forming or addiction-sustaining liability.

20 “(4) The term ‘schedule II, III, or IV controlled
21 substance’ means a controlled substance that is list-
22 ed on schedule II, schedule III, or schedule IV of
23 section 202(c) of the Controlled Substances Act (21
24 U.S.C. 812(c)).

25 “(5) The terms ‘drug’ and ‘device’ have the
26 meanings given those terms in section 201 of the

1 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
2 321).

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

5 “(A) court;

6 “(B) prison;

7 “(C) jail;

8 “(D) law enforcement agency; or

9 “(E) other agency that performs the ad-
10 ministration of criminal justice, including pros-
11 ecution, pretrial services, and community super-
12 vision.

13 “(7) The term ‘tribal organization’ has the
14 meaning given that term in section 4 of the Indian
15 Self-Determination and Education Assistance Act
16 (25 U.S.C. 450b).”.

17 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
18 1001(a) of the Omnibus Crime Control and Safe Streets
19 Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting
20 after paragraph (26) the following:

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

24 **SEC. 3. AUDIT AND ACCOUNTABILITY OF GRANTEEES.**

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

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

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

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

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

20 (b) AUDIT REQUIREMENT.—Beginning in fiscal year
21 2016, and annually thereafter, the Inspector General of
22 the Department of Justice shall conduct audits of covered
23 grantees to prevent waste, fraud, and abuse of funds
24 awarded under covered grant programs. The Inspector

1 General shall determine the appropriate number of cov-
2 ered grantees to be audited each year.

3 (c) MANDATORY EXCLUSION.—A grantee that is
4 found to have an unresolved audit finding under an audit
5 conducted under subsection (b) may not receive grant
6 funds under a covered grant program in the fiscal year
7 following the fiscal year to which the finding relates.

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

14 (1) deposit into the General Fund of the Treas-
15 ury an amount that is equal to the amount of the
16 grant funds that were improperly awarded to the
17 covered grantee; and

18 (2) seek to recoup the costs of the repayment
19 to the Fund from the covered grantee that was im-
20 properly awarded the grant funds.

21 (e) PRIORITY OF GRANT AWARDS.—The Attorney
22 General, in awarding grants under a covered grant pro-
23 gram shall give priority to eligible entities that during the
24 2-year period preceding the application for a grant have
25 not been found to have an unresolved audit finding.

1 (f) NONPROFIT REQUIREMENTS.—

2 (1) PROHIBITION.—A nonprofit organization
3 that holds money in offshore accounts for the pur-
4 pose of avoiding the tax described in section 511(a)
5 of the Internal Revenue Code of 1986, shall not be
6 eligible to receive, directly or indirectly, any funds
7 from a covered grant program.

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

15 **SEC. 4. VETERANS TREATMENT COURTS.**

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

18 (1) by redesignating subsection (i) as subsection
19 (j); and

20 (2) by inserting after subsection (h) the fol-
21 lowing:

22 “(i) ASSISTING VETERANS.—

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

24 “(A) PEER TO PEER SERVICES OR PRO-
25 GRAMS.—The term ‘peer to peer services or

1 programs’ means services or programs that con-
2 nect qualified veterans with other veterans for
3 the purpose of providing support and
4 mentorship to assist qualified veterans in ob-
5 taining treatment, recovery, stabilization, or re-
6 habilitation.

7 “(B) QUALIFIED VETERAN.—The term
8 ‘qualified veteran’ means a preliminarily quali-
9 fied offender who—

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

13 “(ii) was discharged or released from
14 such service under conditions other than
15 dishonorable.

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

22 “(i) intensive judicial supervision and
23 case management, which may include ran-
24 dom and frequent drug testing where ap-
25 propriate;

1 “(ii) a full continuum of treatment
2 services, including mental health services,
3 substance abuse services, medical services,
4 and services to address trauma;

5 “(iii) alternatives to incarceration; or

6 “(iv) other appropriate services, in-
7 cluding housing, transportation, mentoring,
8 employment, job training, education, or as-
9 sistance in applying for and obtaining
10 available benefits.

11 “(2) VETERANS ASSISTANCE PROGRAM.—

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

16 “(i) veterans treatment court pro-
17 grams;

18 “(ii) peer to peer services or programs
19 for qualified veterans;

20 “(iii) practices that identify and pro-
21 vide treatment, rehabilitation, legal, transi-
22 tional, and other appropriate services to
23 qualified veterans who have been incarcer-
24 ated; or

1 “(iv) training programs to teach
2 criminal justice, law enforcement, correc-
3 tions, mental health, and substance abuse
4 personnel how to identify and appro-
5 priately respond to incidents involving
6 qualified veterans.

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

10 “(i) demonstrate collaboration be-
11 tween and joint investments by criminal
12 justice, mental health, substance abuse,
13 and veterans service agencies;

14 “(ii) promote effective strategies to
15 identify and reduce the risk of harm to
16 qualified veterans and public safety; and

17 “(iii) propose interventions with em-
18 pirical support to improve outcomes for
19 qualified veterans.”.

20 **SEC. 5. EMERGENCY FEDERAL LAW ENFORCEMENT ASSIST-**
21 **ANCE.**

22 Section 609Y(a) of the Justice Assistance Act of
23 1984 (42 U.S.C. 10513(a)) is amended by striking “Sep-
24 tember 30, 1984” and inserting “September 30, 2021”.

1 **SEC. 6. INCLUSION OF SERVICES FOR PREGNANT WOMEN**
2 **UNDER FAMILY-BASED SUBSTANCE ABUSE**
3 **GRANTS.**

4 Part DD of title I of the Omnibus Crime Control and
5 Safe Streets Act (42 U.S.C. 3797s et seq.) is amended—

6 (1) in section 2921(2), by inserting before the
7 period at the end “or pregnant women”; and

8 (2) in section 2927—

9 (A) in paragraph (1)(A), by inserting
10 “pregnant or” before “a parent”; and

11 (B) in paragraph (3), by inserting “or
12 pregnant women” after “incarcerated parents”.

13 **SEC. 7. GAO STUDY AND REPORT ON DEPARTMENT OF JUS-**
14 **TICE PROGRAMS AND RESEARCH RELATIVE**
15 **TO SUBSTANCE USE AND SUBSTANCE USE**
16 **DISORDERS AMONG ADOLESCENTS AND**
17 **YOUNG ADULTS.**

18 (a) STUDY.—The Comptroller General of the United
19 States shall conduct a study on how the Department of
20 Justice, through grant programs, is addressing prevention
21 of, treatment for, and recovery from substance use by and
22 substance use disorders among adolescents and young
23 adults. Such study shall include an analysis of each of the
24 following:

25 (1) The research that has been, and is being,
26 conducted or supported pursuant to grant programs

1 operated by the Department of Justice on prevention
2 of, treatment for, and recovery from substance use
3 by and substance use disorders among adolescents
4 and young adults, including an assessment of—

5 (A) such research relative to any unique
6 circumstances (including social and biological
7 circumstances) of adolescents and young adults
8 that may make adolescent-specific and young
9 adult-specific treatment protocols necessary, in-
10 cluding any effects that substance use and sub-
11 stance use disorders may have on brain develop-
12 ment and the implications for treatment and re-
13 covery; and

14 (B) areas of such research in which great-
15 er investment or focus is necessary relative to
16 other areas of such research.

17 (2) Department of Justice non-research pro-
18 grams and activities that address prevention of,
19 treatment for, and recovery from substance use by
20 and substance use disorders among adolescents and
21 young adults, including an assessment of the effec-
22 tiveness of such programs and activities in pre-
23 venting substance use by and substance use dis-
24 orders among adolescents and young adults, treating
25 such adolescents and young adults in a way that ac-

1 counts for any unique circumstances faced by ado-
2 lescents and young adults, and supports long term
3 recovery among adolescents and young adults.

4 (3) Gaps that have been identified by officials
5 of the Department of Justice or experts in the ef-
6 forts supported by grant programs operated by the
7 Department of Justice relating to prevention of,
8 treatment for, and recovery from substance use by
9 and substance use disorders among adolescents and
10 young adults, including gaps in research, data collec-
11 tion, and measures to evaluate the effectiveness of
12 such efforts, and the reasons for such gaps.

13 (b) REPORT.—Not later than 2 years after the date
14 of enactment of this Act, the Comptroller General shall
15 submit to the appropriate committees of the Congress a
16 report containing the results of the study conducted under
17 subsection (a), including—

18 (1) a summary of the findings of the study; and

19 (2) recommendations based on the results of
20 the study, including recommendations for such areas

1 of research and legislative and administrative action
2 as the Comptroller General determines appropriate.

Passed the House of Representatives May 12, 2016.

Attest:

KAREN L. HAAS,

Clerk.