

Union Calendar No. 415

114TH CONGRESS
2^D SESSION

H. R. 5046

[Report No. 114–539]

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

MAY 6, 2016

Additional sponsors: Mr. BUCHANAN and Mr. SMITH of Texas

MAY 6, 2016

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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”.

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

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

10 **“PART LL—COMPREHENSIVE OPIOID ABUSE**
 11 **GRANT PROGRAM**

12 **“SEC. 3021. DESCRIPTION.**

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

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

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

1 “(B) training for criminal justice agency
2 personnel on substance use disorders and co-oc-
3 curring mental illness and substance use dis-
4 orders;

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

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

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

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

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

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

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

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

18 “(7) Developing, implementing, or expanding a
19 program to prevent and address opioid abuse by ju-
20 veniles.

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

24 “(b) CONTRACTS AND SUBAWARDS.—A State, unit of
25 local government, or Indian tribe may, in using a grant

1 under this subpart for purposes authorized by subsection
2 (a), use all or a portion of that grant to contract with
3 or make one or more subawards to one or more—

4 “(1) local or regional organizations that are pri-
5 vate and nonprofit, including faith-based organiza-
6 tions;

7 “(2) units of local government; or

8 “(3) tribal organizations.

9 “(c) PROGRAM ASSESSMENT COMPONENT; WAIV-
10 ER.—

11 “(1) PROGRAM ASSESSMENT COMPONENT.—

12 Each program funded under this subpart shall con-
13 tain a program assessment component, developed
14 pursuant to guidelines established by the Attorney
15 General, in coordination with the National Institute
16 of Justice.

17 “(2) WAIVER.—The Attorney General may
18 waive the requirement of paragraph (1) with respect
19 to a program if, in the opinion of the Attorney Gen-
20 eral, the program is not of sufficient size to justify
21 a full program assessment.

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

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

5 **“SEC. 3022. APPLICATIONS.**

6 “To request a grant under this part, the chief execu-
7 tive officer of a State, unit of local government, or Indian
8 tribe shall submit an application to the Attorney General
9 at such time and in such form as the Attorney General
10 may require. Such application shall include the following:

11 “(1) A certification that Federal funds made
12 available under this subpart will not be used to sup-
13 plant State, local, or tribal funds, but will be used
14 to increase the amounts of such funds that would,
15 in the absence of Federal funds, be made available
16 for the activities described in section 3021(a).

17 “(2) An assurance that, for each fiscal year
18 covered by an application, the applicant shall main-
19 tain and report such data, records, and information
20 (programmatic and financial) as the Attorney Gen-
21 eral may reasonably require.

22 “(3) A certification, made in a form acceptable
23 to the Attorney General and executed by the chief
24 executive officer of the applicant (or by another offi-

1 cer of the applicant, if qualified under regulations
2 promulgated by the Attorney General), that—

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

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

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

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

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

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

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

22 **“SEC. 3024. GEOGRAPHIC DIVERSITY.**

23 “The Attorney General shall ensure equitable geo-
24 graphic distribution of grants under this part and take

1 into consideration the needs of underserved populations,
2 including rural and tribal communities.

3 **“SEC. 3025. DEFINITIONS.**

4 “In this part:

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

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

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

22 “(4) The term ‘schedule II, III, or IV controlled
23 substance’ means a controlled substance that is list-
24 ed on schedule II, schedule III, or schedule IV of

1 section 202(c) of the Controlled Substances Act (21
2 U.S.C. 812(c)).

3 “(5) The terms ‘drug’ and ‘device’ have the
4 meanings given those terms in section 201 of the
5 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
6 321).

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

9 “(A) court;

10 “(B) prison;

11 “(C) jail;

12 “(D) law enforcement agency; or

13 “(E) other agency that performs the ad-
14 ministration of criminal justice, including pros-
15 ecution, pretrial services, and community super-
16 vision.

17 “(7) The term ‘tribal organization’ has the
18 meaning given that term in section 4 of the Indian
19 Self-Determination and Education Assistance Act
20 (25 U.S.C. 450b).”.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
22 1001(a) of the Omnibus Crime Control and Safe Streets
23 Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting
24 after paragraph (26) the following:

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

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

5 (a) DEFINITIONS.—In this section—

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

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

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

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

1 (b) AUDIT REQUIREMENT.—Beginning in fiscal year
2 2016, and annually thereafter, the Inspector General of
3 the Department of Justice shall conduct audits of covered
4 grantees to prevent waste, fraud, and abuse of funds
5 awarded under covered grant programs. The Inspector
6 General shall determine the appropriate number of cov-
7 ered grantees to be audited each year.

8 (c) MANDATORY EXCLUSION.—A grantee that is
9 found to have an unresolved audit finding under an audit
10 conducted under subsection (b) may not receive grant
11 funds under a covered grant program in the fiscal year
12 following the fiscal year to which the finding relates.

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

19 (1) deposit into the General Fund of the Treas-
20 ury an amount that is equal to the amount of the
21 grant funds that were improperly awarded to the
22 covered grantee; and

23 (2) seek to recoup the costs of the repayment
24 to the Fund from the covered grantee that was im-
25 properly awarded the grant funds.

1 (e) PRIORITY OF GRANT AWARDS.—The Attorney
2 General, in awarding grants under a covered grant pro-
3 gram shall give priority to eligible entities that during the
4 2-year period preceding the application for a grant have
5 not been found to have an unresolved audit finding.

6 (f) NONPROFIT REQUIREMENTS.—

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

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

20 **SEC. 4. VETERANS TREATMENT COURTS.**

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

23 (1) by redesignating subsection (i) as subsection
24 (j); and

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

3 “(i) ASSISTING VETERANS.—

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

5 “(A) PEER TO PEER SERVICES OR PRO-
6 GRAMS.—The term ‘peer to peer services or
7 programs’ means services or programs that con-
8 nect qualified veterans with other veterans for
9 the purpose of providing support and
10 mentorship to assist qualified veterans in ob-
11 taining treatment, recovery, stabilization, or re-
12 habilitation.

13 “(B) QUALIFIED VETERAN.—The term
14 ‘qualified veteran’ means a preliminarily quali-
15 fied offender who—

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

19 “(ii) was discharged or released from
20 such service under conditions other than
21 dishonorable.

22 “(C) VETERANS TREATMENT COURT PRO-
23 GRAM.—The term ‘veterans treatment court
24 program’ means a court program involving col-
25 laboration among criminal justice, veterans, and

1 mental health and substance abuse agencies
2 that provides qualified veterans with—

3 “(i) intensive judicial supervision and
4 case management, which may include ran-
5 dom and frequent drug testing where ap-
6 propriate;

7 “(ii) a full continuum of treatment
8 services, including mental health services,
9 substance abuse services, medical services,
10 and services to address trauma;

11 “(iii) alternatives to incarceration; or

12 “(iv) other appropriate services, in-
13 cluding housing, transportation, mentoring,
14 employment, job training, education, or as-
15 sistance in applying for and obtaining
16 available benefits.

17 “(2) VETERANS ASSISTANCE PROGRAM.—

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

22 “(i) veterans treatment court pro-
23 grams;

24 “(ii) peer to peer services or programs
25 for qualified veterans;

1 “(iii) practices that identify and pro-
2 vide treatment, rehabilitation, legal, transi-
3 tional, and other appropriate services to
4 qualified veterans who have been incarcer-
5 ated; or

6 “(iv) training programs to teach
7 criminal justice, law enforcement, correc-
8 tions, mental health, and substance abuse
9 personnel how to identify and appro-
10 priately respond to incidents involving
11 qualified veterans.

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

15 “(i) demonstrate collaboration be-
16 tween and joint investments by criminal
17 justice, mental health, substance abuse,
18 and veterans service agencies;

19 “(ii) promote effective strategies to
20 identify and reduce the risk of harm to
21 qualified veterans and public safety; and

22 “(iii) propose interventions with em-
23 pirical support to improve outcomes for
24 qualified veterans.”.

1 **SEC. 5. EMERGENCY FEDERAL LAW ENFORCEMENT ASSIST-**
2 **ANCE.**

3 Section 609Y(a) of the Justice Assistance Act of
4 1984 (42 U.S.C. 10513(a)) is amended by striking “Sep-
5 tember 30, 1984” and inserting “September 30, 2021”.

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