

114TH CONGRESS  
2D SESSION

# H. R. 5052

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IN THE SENATE OF THE UNITED STATES

MAY 11, 2016

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

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## AN ACT

To direct the Attorney General and the Secretary of Health and Human Services to evaluate the effectiveness of grant programs that provide grants for the primary purpose of providing assistance in addressing problems pertaining to 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 “Opioid Program Eval-  
3 uation Act” or the “OPEN Act”.

4 **SEC. 2. EVALUATION OF PERFORMANCE OF DEPARTMENT**  
5 **OF JUSTICE PROGRAM.**

6 (a) **EVALUATION OF JUSTICE DEPARTMENT COM-**  
7 **PREHENSIVE OPIOID ABUSE GRANT PROGRAM.**—Not  
8 later than 5 years after the date of enactment of this Act,  
9 the Attorney General shall complete an evaluation of the  
10 effectiveness of the Comprehensive Opioid Abuse Grant  
11 Program under part LL of the Omnibus Crime Control  
12 and Safe Streets Act of 1968 administered by the Depart-  
13 ment of Justice based upon the information reported  
14 under subsection (d) of this section.

15 (b) **INTERIM EVALUATION.**—Not later than 3 years  
16 after the date of enactment of this Act, the Attorney Gen-  
17 eral shall complete an interim evaluation assessing the na-  
18 ture and extent of the incidence of opioid abuse and illegal  
19 opioid distribution in the United States.

20 (c) **METRICS AND OUTCOMES FOR EVALUATION.**—  
21 Not later than 180 days after the date of enactment of  
22 this Act, the Attorney General shall identify outcomes that  
23 are to be achieved by activities funded by the Comprehen-  
24 sive Opioid Grant Abuse Program and the metrics by  
25 which the achievement of such outcomes shall be deter-  
26 mined.

1 (d) METRICS DATA COLLECTION.—The Attorney  
2 General shall require grantees under the Comprehensive  
3 Opioid Abuse Grant Program (and those receiving sub-  
4 awards under section 3021(b) of part LL of the Omnibus  
5 Crime Control and Safe Streets Act of 1968) to collect  
6 and annually report to the Department of Justice data  
7 based upon the metrics identified under subsection (c).

8 (e) PUBLICATION OF DATA AND FINDINGS.—

9 (1) PUBLICATION OF OUTCOMES AND  
10 METRICS.—The Attorney General shall, not later  
11 than 30 days after completion of the requirement  
12 under subsection (c), publish the outcomes and  
13 metrics identified under that subsection.

14 (2) PUBLICATION OF EVALUATION.—In the  
15 case of the interim evaluation under subsection (b),  
16 and the final evaluation under subsection (a), the  
17 National Academy of Sciences shall, not later than  
18 90 days after such an evaluation is completed, pub-  
19 lish the results of such evaluation and issue a report  
20 on such evaluation to the Committee on the Judici-  
21 ary of the House of Representatives and the Com-  
22 mittee on the Judiciary of the Senate. Such report  
23 shall also be published along with the data used to  
24 make such evaluation.

1 (f) ARRANGEMENT WITH THE NATIONAL ACADEMY  
2 OF SCIENCES.—For purposes of subsections (a), (b), and  
3 (c), the Attorney General shall enter into an arrangement  
4 with the National Academy of Sciences.

5 **SEC. 3. EVALUATION OF PERFORMANCE OF DEPARTMENT**  
6 **OF HEALTH AND HUMAN SERVICES PRO-**  
7 **GRAM.**

8 (a) EVALUATION OF DEPARTMENT OF HEALTH AND  
9 HUMAN SERVICES PROGRAMS.—Not later than 5 years  
10 after the date of enactment of this Act, except as other-  
11 wise provided in this section, the Secretary of Health and  
12 Human Services shall complete an evaluation of any pro-  
13 gram administered by the Secretary that provides grants  
14 for the primary purpose of providing assistance in ad-  
15 dressing problems pertaining to opioid abuse based upon  
16 the information reported under subsection (d) of this sec-  
17 tion.

18 (b) INTERIM EVALUATION.—Not later than 3 years  
19 after the date of enactment of this Act, the Secretary shall  
20 complete an interim evaluation assessing the nature and  
21 extent of the incidence of opioid abuse and illegal opioid  
22 distribution in the United States.

23 (c) METRICS AND OUTCOMES FOR EVALUATION.—  
24 Not later than 180 days after the date of enactment of  
25 this Act, the Secretary shall identify outcomes that are

1 to be achieved by activities funded by the programs de-  
2 scribed in subsection (a) and the metrics by which the  
3 achievement of such outcomes shall be determined.

4 (d) METRICS DATA COLLECTION.—The Secretary  
5 shall require grantees under the programs described in  
6 subsection (a) to collect and annually report to the De-  
7 partment of Health and Human Services data based upon  
8 the metrics identified under subsection (c).

9 (e) PUBLICATION OF DATA AND FINDINGS.—

10 (1) PUBLICATION OF OUTCOMES AND  
11 METRICS.—The Secretary shall, not later than 30  
12 days after completion of the requirement under sub-  
13 section (c), publish the outcomes and metrics identi-  
14 fied under that subsection.

15 (2) PUBLICATION OF EVALUATION.—In the  
16 case of the interim evaluation under subsection (b),  
17 and each final evaluation under subsection (a), the  
18 National Academy of Sciences shall, not later than  
19 90 days after such an evaluation is completed, pub-  
20 lish the results of such evaluation and issue a report  
21 on such evaluation to the Committee on Energy and  
22 Commerce of the House of Representatives and the  
23 Committee on Health, Education, Labor, and Pen-  
24 sions of the Senate. Such report shall also be pub-

1 lished along with the data used to make such evalua-  
2 tion.

3 (f) ARRANGEMENT WITH THE NATIONAL ACADEMY  
4 OF SCIENCES.—For purposes of subsections (a), (b), and  
5 (c), the Secretary shall—

6 (1) enter into an arrangement with the Na-  
7 tional Academy of Sciences; or

8 (2) enter into a contract or cooperative agree-  
9 ment with an entity that is not an agency of the  
10 Federal Government.

11 (g) EXCEPTION.—If a program described under sub-  
12 section (a) is subject to an evaluation substantially similar  
13 to the evaluation under subsection (a) pursuant to another  
14 provision of law, the Secretary may opt not to conduct  
15 an evaluation under subsection (a) of such program.

16 **SEC. 4. DEFINITION.**

17 In this Act, the term “opioid” has the meaning given  
18 the term “opiate” in section 102 of the Controlled Sub-  
19 stances Act (21 U.S.C. 802).

20 **SEC. 5. NO ADDITIONAL FUNDS AUTHORIZED.**

21 No additional funds are authorized to be appro-  
22 priated to carry out this Act.

1 **SEC. 6. MATTERS REGARDING CERTAIN FEDERAL LAW EN-**  
2 **FORCEMENT ASSISTANCE.**

3 Section 609Y of the Justice Assistance Act of 1984  
4 (42 U.S.C. 10513) is amended—

5 (1) in subsection (a), by striking “There is”  
6 and inserting “Except as provided in subsection (c),  
7 there is”; and

8 (2) by adding at the end the following:

9 “(c) For fiscal year 2022, there is authorized to be  
10 appropriated \$16,000,000, to provide under this chapter  
11 Federal law enforcement assistance in the form of funds.”.

Passed the House of Representatives May 10, 2016.

Attest:

KAREN L. HAAS,

*Clerk.*