

114TH CONGRESS  
2D SESSION

# H. R. 5046

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## 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:

*Clerk.*



114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5046**

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**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.