

Union Calendar No. 174

103D CONGRESS
1ST SESSION

H. R. 3354

[Report No. 103-323]

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

NOVEMBER 3, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1993

Mr. BROOKS (for himself and Mr. SCHUMER) introduced the following bill;
which was referred to the Committee on the Judiciary

NOVEMBER 3, 1993

Additional sponsor: Mr. HUGHES

NOVEMBER 3, 1993

Reported with an amendment, committed to the Committee of the Whole
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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on October 26, 1993]

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as

within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

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. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**

4 **FOR STATE PRISONERS.**

5 (a) *RESIDENTIAL SUBSTANCE ABUSE TREATMENT*
 6 *FOR PRISONERS.*—*Title I of the Omnibus Crime Control*
 7 *and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is*
 8 *amended—*

9 (1) *by redesignating part Q as part R;*

10 (2) *by redesignating section 1701 as section*
 11 *1801; and*

12 (3) *by inserting after part P the following:*

13 **“PART Q—RESIDENTIAL SUBSTANCE ABUSE**

14 **TREATMENT FOR STATE PRISONERS**

15 **“SEC. 1701. GRANT AUTHORIZATION.**

16 *“The Director of the Bureau of Justice Assistance (re-*
 17 *ferred to in this part as the ‘Director’) may make grants*
 18 *under this part to States, for the use by States and units*
 19 *of local government for the purpose of developing and imple-*
 20 *menting residential substance abuse treatment programs*
 21 *within State correctional facilities, as well as within local*
 22 *correctional facilities in which inmates are incarcerated for*

1 a period of time sufficient to permit substance abuse treat-
2 ment.

3 **“SEC. 1702. STATE APPLICATIONS.**

4 “(a) *IN GENERAL.*—(1) To request a grant under this
5 part the chief executive of a State shall submit an applica-
6 tion to the Director in such form and containing such infor-
7 mation as the Director may reasonably require.

8 “(2) Such application shall include assurances that
9 Federal funds received under this part shall be used to sup-
10 plement, not supplant, non-Federal funds that would other-
11 wise be available for activities funded under this part.

12 “(3) Such application shall coordinate the design and
13 implementation of treatment programs between State cor-
14 rectional representatives and the State Alcohol and Drug
15 Abuse agency (and, if appropriate, between representatives
16 of local correctional agencies and representatives of either
17 the State alcohol and drug abuse agency or any appropriate
18 local alcohol and drug abuse agency).

19 “(b) *SUBSTANCE ABUSE TESTING REQUIREMENT.*—To
20 be eligible to receive funds under this part, a State must
21 agree to implement or continue to require urinalysis or
22 similar testing of individuals in correctional residential
23 substance abuse treatment programs. Such testing shall in-
24 clude individuals released from residential substance abuse
25 treatment programs who remain in the custody of the State.

1 “(c) *ELIGIBILITY FOR PREFERENCE WITH AFTER*
2 *CARE COMPONENT.*—

3 “(1) *To be eligible for a preference under this*
4 *part, a State must ensure that individuals who par-*
5 *ticipate in the substance abuse treatment program es-*
6 *tablished or implemented with assistance provided*
7 *under this part will be provided with aftercare serv-*
8 *ices.*

9 “(2) *State aftercare services must involve the co-*
10 *ordination of the correctional facility treatment pro-*
11 *gram with other human service and rehabilitation*
12 *programs, such as educational and job training pro-*
13 *grams, parole supervision programs, half-way house*
14 *programs, and participation in self-help and peer*
15 *group programs, that may aid in the rehabilitation*
16 *of individuals in the substance abuse treatment pro-*
17 *gram.*

18 “(3) *To qualify as an aftercare program, the*
19 *head of the substance abuse treatment program, in*
20 *conjunction with State and local authorities and or-*
21 *ganizations involved in substance abuse treatment,*
22 *shall assist in placement of substance abuse treatment*
23 *program participants with appropriate community*
24 *substance abuse treatment facilities when such indi-*

1 *viduals leave the correctional facility at the end of a*
2 *sentence or on parole.*

3 *“(d) STATE OFFICE.—The Office designated under sec-*
4 *tion 507 of this title—*

5 *“(1) shall prepare the application as required*
6 *under section 1702, and*

7 *“(2) shall administer grant funds received under*
8 *this part, including review of spending, processing,*
9 *progress, financial reporting, technical assistance,*
10 *grant adjustments, accounting, auditing, and fund*
11 *disbursement.*

12 **“SEC. 1703. REVIEW OF STATE APPLICATIONS.**

13 *“(a) IN GENERAL.—The Director shall make a grant*
14 *under section 1701 to carry out the projects described in*
15 *the application submitted under section 1702 upon deter-*
16 *mining that—*

17 *“(1) the application is consistent with the re-*
18 *quirements of this part; and*

19 *“(2) before the approval of the application the*
20 *Director has made an affirmative finding in writing*
21 *that the proposed project has been reviewed in accord-*
22 *ance with this part.*

23 *“(b) APPROVAL.—Each application submitted under*
24 *section 1702 shall be considered approved, in whole or in*
25 *part, by the Director not later than 45 days after first re-*

1 *ceived unless the Director informs the applicant of specific*
2 *reasons for disapproval.*

3 “(c) *RESTRICTION.*—*Grant funds received under this*
4 *part shall not be used for land acquisition or construction*
5 *projects.*

6 “(d) *DISAPPROVAL NOTICE AND RECONSIDERATION.*—
7 *The Director shall not disapprove any application without*
8 *first affording the applicant reasonable notice and an op-*
9 *portunity for reconsideration.*

10 **“SEC. 1704. ALLOCATION AND DISTRIBUTION OF FUNDS.**

11 “(a) *ALLOCATION.*—*Of the total amount appropriated*
12 *under this part in any fiscal year—*

13 “(1) *0.4 percent shall be allocated to each of the*
14 *participating States; and*

15 “(2) *of the total funds remaining after the allo-*
16 *cation under paragraph (1), there shall be allocated*
17 *to each of the participating States an amount which*
18 *bears the same ratio to the amount of remaining*
19 *funds described in this paragraph as the State prison*
20 *population of such State bears to the total prison pop-*
21 *ulation of all the participating States.*

22 “(b) *FEDERAL SHARE.*—*The Federal share of a grant*
23 *made under this part may not exceed 75 percent of the total*
24 *costs of the projects described in the application submitted*

1 under section 1702 for the fiscal year for which the projects
2 receive assistance under this part.

3 **“SEC. 1705. EVALUATION.**

4 “Each State that receives a grant under this part shall
5 submit to the Director an evaluation not later than March
6 1 of each year in such form and containing such informa-
7 tion as the Director may reasonably require.”.

8 (b) *CONFORMING AMENDMENT.*—The table of contents
9 of title I of the Omnibus Crime Control and Safe Streets
10 Act of 1968 (42 U.S.C. 3711 et seq.), is amended by striking
11 the matter relating to part Q and inserting the following:

“PART Q—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

“Sec. 1701. Grant authorization.

“Sec. 1702. State applications.

“Sec. 1703. Review of State applications.

“Sec. 1704. Allocation and distribution of funds.

“Sec. 1705. Evaluation.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”.

12 (c) *DEFINITIONS.*—Section 901(a) of the Omnibus
13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
14 3791(a)) is amended by adding after paragraph (23) the
15 following:

16 “(24) The term ‘residential substance abuse
17 treatment program’ means a course of individual and
18 group activities, lasting between 9 and 12 months, in
19 residential treatment facilities set apart from the gen-
20 eral prison population—

1 “(A) directed at the substance abuse prob-
2 lems of the prisoner; and

3 “(B) intended to develop the prisoner’s cog-
4 nitive, behavioral, social, vocational, and other
5 skills so as to solve the prisoner’s substance abuse
6 and related problems.”.

7 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 1001(a) of title I of the Omnibus Crime Con-
9 trol and Safe Streets Act of 1968 (42 U.S.C. 3793), is
10 amended by adding after paragraph (10) the following:

11 “(11) There are authorized to be appropriated
12 \$100,000,000 for each of the fiscal years 1994, 1995, and
13 1996 to carry out the projects under part Q.”.