

103^D CONGRESS
1ST SESSION

H. R. 3354

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.

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

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,*

1 **SEC. 101. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**
2 **FOR STATE PRISONERS.**

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

7 (1) by redesignating part W as part X;

8 (2) by redesignating section 2301 as section
9 2401; and

10 (3) by inserting after part V the following:

11 **“PART W—RESIDENTIAL SUBSTANCE ABUSE**
12 **TREATMENT FOR STATE PRISONERS**

13 **“SEC. 2301. GRANT AUTHORIZATION.**

14 “The Director of the Bureau of Justice Assistance
15 (referred to in this part as the ‘Director’) may make
16 grants under this part to States, for the use by States
17 and units of local government for the purpose of develop-
18 ing and implementing residential substance abuse treat-
19 ment programs within State correctional facilities, as well
20 as within local correctional facilities in which inmates are
21 incarcerated for a period of time sufficient to permit sub-
22 stance abuse treatment.

23 **“SEC. 2302. STATE APPLICATIONS.**

24 “(a) IN GENERAL.—(1) To request a grant under
25 this part the chief executive of a State shall submit an

1 application to the Director in such form and containing
2 such information as the Director may reasonably require.

3 “(2) Such application shall include assurances that
4 Federal funds received under this part shall be used to
5 supplement, not supplant, non-Federal funds that would
6 otherwise be available for activities funded under this part.

7 “(3) Such application shall coordinate the design and
8 implementation of treatment programs between State cor-
9 rectional representatives and the State Alcohol and Drug
10 Abuse agency (and, if appropriate, between representa-
11 tives of local correctional agencies and representatives of
12 either the State alcohol and drug abuse agency or any ap-
13 propriate local alcohol and drug abuse agency).

14 “(b) DRUG TESTING REQUIREMENT.—To be eligible
15 to receive funds under this part, a State must agree to
16 implement or continue to require urinalysis or similar test-
17 ing of individuals in correctional residential substance
18 abuse treatment programs. Such testing shall include indi-
19 viduals released from residential substance abuse treat-
20 ment programs who remain in the custody of the State.

21 “(c) ELIGIBILITY FOR PREFERENCE WITH AFTER
22 CARE COMPONENT.—

23 “(1) To be eligible for a preference under this
24 part, a State must ensure that individuals who par-
25 ticipate in the drug treatment program established

1 or implemented with assistance provided under this
2 part will be provided with aftercare services.

3 “(2) State aftercare services must involve the
4 coordination of the prison treatment program with
5 other human service and rehabilitation programs,
6 such as educational and job training programs, pa-
7 role supervision programs, half-way house programs,
8 and participation in self-help and peer group pro-
9 grams, that may aid in the rehabilitation of individ-
10 uals in the drug treatment program.

11 “(3) To qualify as an aftercare program, the
12 head of the drug treatment program, in conjunction
13 with State and local authorities and organizations
14 involved in drug treatment, shall assist in placement
15 of drug treatment program participants with appro-
16 priate community drug treatment facilities when
17 such individuals leave prison at the end of a sen-
18 tence or on parole.

19 “(d) STATE OFFICE.—The Office designated under
20 section 507 of title I of the Omnibus Crime Control and
21 Safe Streets Act of 1968 (42 U.S.C. 3757)—

22 “(1) shall prepare the application as required
23 under section 2302, and

24 “(2) shall administer grant funds received
25 under this part, including review of spending, proc-

1 essing, progress, financial reporting, technical assist-
2 ance, grant adjustments, accounting, auditing, and
3 fund disbursement.

4 **“SEC. 2303. REVIEW OF STATE APPLICATIONS.**

5 “(a) IN GENERAL.—The Director shall make a grant
6 under section 2301 to carry out the projects described in
7 the application submitted under section 2302 upon deter-
8 mining that—

9 “(1) the application is consistent with the re-
10 quirements of this part; and

11 “(2) before the approval of the application the
12 Director has made an affirmative finding in writing
13 that the proposed project has been reviewed in ac-
14 cordance with this part.

15 “(b) APPROVAL.—Each application submitted under
16 section 2302 shall be considered approved, in whole or in
17 part, by the Director not later than 45 days after first
18 received unless the Director informs the applicant of spe-
19 cific reasons for disapproval.

20 “(c) RESTRICTION.—Grant funds received under this
21 part shall not be used for land acquisition or construction
22 projects.

23 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
24 ATION.—The Director shall not disapprove any application

1 without first affording the applicant reasonable notice and
2 an opportunity for reconsideration.

3 **“SEC. 2304. ALLOCATION AND DISTRIBUTION OF FUNDS.**

4 “(a) ALLOCATION.—Of the total amount appro-
5 priated under this part in any fiscal year—

6 “(1) 0.4 percent shall be allocated to each of
7 the participating States; and

8 “(2) of the total funds remaining after the allo-
9 cation under paragraph (1), there shall be allocated
10 to each of the participating States an amount which
11 bears the same ratio to the amount of remaining
12 funds described in this paragraph as the State pris-
13 on population of such State bears to the total prison
14 population of all the participating States.

15 “(b) FEDERAL SHARE.—The Federal share of a
16 grant made under this part may not exceed 75 percent
17 of the total costs of the projects described in the applica-
18 tion submitted under section 2302 for the fiscal year for
19 which the projects receive assistance under this part.

20 **“SEC. 2305. EVALUATION.**

21 “Each State that receives a grant under this part
22 shall submit to the Director an evaluation not later than
23 March 1 of each year in such form and containing such
24 information as the Director may reasonably require.”.

1 (b) CONFORMING AMENDMENT.—The table of con-
 2 tents of title I of the Omnibus Crime Control and Safe
 3 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended
 4 by striking the matter relating to part W and inserting
 5 the following:

“PART W—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

“Sec. 2301. Grant authorization.

“Sec. 2302. State applications.

“Sec. 2303. Review of State applications.

“Sec. 2304. Allocation and distribution of funds.

“Sec. 2305. Evaluation.

“PART X—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2401. Continuation of rules, authorities, and proceedings.”.

6 (c) DEFINITIONS.—Section 901(a) of the Omnibus
 7 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 8 3791(a)) is amended by adding after paragraph (25) the
 9 following:

10 “(26) The term ‘residential substance abuse
 11 treatment program’ means a course of individual
 12 and group activities, lasting between 9 and 12
 13 months, in residential treatment facilities set apart
 14 from the general prison population—

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

17 “(B) intended to develop the prisoner’s
 18 cognitive, behavioral, social, vocational, and
 19 other skills so as to solve the prisoner’s sub-
 20 stance abuse and related problems.”.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-
4 ing after paragraph (16) the following:

5 “(17) There are authorized to be appropriated
6 \$100,000,000 for each of the fiscal years 1994, 1995, and
7 1996 to carry out the projects under part W.”.

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