117TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
117–154

REAL JUSTICE FOR OUR VETERANS ACT OF 2021

OCTOBER 25, 2021.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 4035]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4035) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to prioritize veterans court treatment programs that ensure equal access for racial and ethnic minorities and women, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Real Justice for Our Veterans Act of 2021".

SEC. 2. EQUAL ACCESS TO VETERANS COURT TREATMENT PROGRAMS FOR RACIAL AND ETHNIC MINORITIES AND WOMEN.

Section 2991(i)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651(i)(2)) is amended by adding at the end the following:

"(C) REPORT.—Not later than 3 years after the date of enactment of this subparagraph, the Attorney General shall submit to Congress a report on the effectiveness of veterans treatment court programs. In preparing such a report, the Attorney General shall conduct a national multi-site evaluation of such programs, including an assessment of—

"(i) the population served by such programs;

"(ii) whether such programs use evidence-based treatments for substance use and mental health, including medication for addiction treatment;

"(iii) recidivism rates of participants in such programs;

"(iv) program completion rates; and

"(v) whether racial and ethnic minorities and women have equal access to such programs and an equal opportunity to complete such programs, including by collecting and analyzing data related to admission in such programs and completion of such programs, to ensure there are not disparities related to race, ethnicity, or sex.".

SEC. 3. VETERANS PILOT PROGRAM ON PROMISING RETENTION MODELS.

(a) ESTABLISHMENT.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, shall carry out a pilot program to make grants to eligible units of local government to improve retention in veterans treatment court programs (as such term is defined in section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651)) and drug court programs.

(b) ELIGIBILITY.—In order to be eligible for a grant under subsection (a), a unit of local government shall operate a veterans treatment court program or a drug court.

(c) APPLICATION.—A unit of local government seeking a grant through the pilot program under subsection (a) shall submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may reasonably require, including—

(1) a description of the therapeutic or treatment modality that the unit of local government plans to implement and data to support the use of the therapeutic or treatment modality, including information showing how the therapeutic or treatment modality will promote retention in and completion of veterans treatment court programs and drug court programs; and

(2) detailed plans on how the applicant would test the efficacy of the therapeutic or treatment modality.

(d) REPORTING METRICS.—Not later than 180 days after receiving a grant under subsection (a), a unit of local government shall submit to the Attorney General a report, which includes demographic information of participants in the veterans treatment court program, and completion rates of such participants. The Attorney General shall develop guidelines for the report required under this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 for each of fiscal years 2022 through 2027 to carry out this section.

SEC. 4. ADMISSION OF VETERANS TO DRUG COURTS.

In the case of a jurisdiction that does not operate a veterans treatment court program (as such term is defined in section 2991 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10651)), but that does operate a drug court under part EE of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10611 et seq.), a veteran who would be eligible to participate in a veterans treatment court program may participate in the drug court, including a veteran who is a violent offender (as such term is defined in section 2953(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10613(a))).

Purpose and Summary

H.R. 4035, the "Real Justice for Our Veterans Act," would assist many of our nation's justice-involved veterans and would, in general, improve the delivery of services in veterans and drug courts. The bill has three discrete aims. First, the bill would expand data collection regarding the effectiveness of veterans treatment courts (VTCs). Second, it authorizes a pilot program that would investigate and promote promising retention models in veterans and

drug treatment courts. And lastly, and perhaps most critically, it would open up drug treatment courts to veterans in areas where there may not be a veterans treatment courts. Each of these critical changes would promote higher participation and higher rehabilitation of veterans who have mental health and substance abuse issues.

Background and Need for the Legislation

There is generally a need for more data on veteran treatment courts. Because veterans treatment courts operate with different rules and admission criteria, analyzing the effectiveness of practices is difficult. The limited amount of data available suggests that lower rates of recidivism for those who complete the program is better than non-participants. Other data suggests that non-white veterans are under-represented in veterans treatment court programs.[1] The "Real Justice for Our Veterans Act" would aim to address the data shortcomings by requiring the Department of Justice (DOJ) to submit a report to Congress regarding, among other things, program recidivism rates and demographic disparities that exist in VTCs on the basis of race, ethnicity, and sex.

The differences in how courts administer veterans treatment court programs also makes identifying promising practices and testing those practices more broadly difficult. This bill would fund pilot programs in veterans treatment courts and drug courts that would identify and test promising program retention programs. These pilot programs, which may be within existing or new veterans treatment or drug court programs, would be published in a report so that they can be widely disseminated.

Veterans treatment courts currently allow veterans with previous violent conditions to participate if they are otherwise qualified. Drug courts do not. Current law prohibits individuals with previous violent crime convictions from participating in drug courts. The final provision of this bill would open up the over 3,000 drug courts to veterans with previous violent crime convictions to participate in drug courts if they are otherwise qualified to participate in a veteran treatment courts but no veterans treatment courts exists in their jurisdiction.

Hearings

As of date of this Report, the Committee has not conducted any hearings on treatment or specialty courts.

Committee Consideration

On July 21, 2021, the Committee met in open session and ordered the bill, H.R. 4035, favorably reported as amended, by a voice vote, a quorum being present.

Committee Votes

No roll call votes were taken during Committee consideration of H.R. 4035. The bill was reported by voice vote.

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[1] Greg A. Greenberg & Robert A. Rosenheck, *Incarceration Among Male Veterans: Relative Risk of Imprisonment and Differences Between Veteran and Nonveteran Inmates*, 56 Int'l J. of Offender Therapy and Compar. Criminology. 4, 646 (2012).

Committee Oversight Findings

In compliance with clause 3(c)(1) of House Rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the descriptive portions of this report.

Committee Estimate of Budgetary Effects

Pursuant to clause 3(d)(1) of House Rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

New Budget Authority and Congressional Budget Office Cost Estimate

Pursuant to clause 3(c)(2) of House Rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause (3)(c)(3) of House Rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee sets forth, with respect to the bill, H.R. 4035, the following analysis and estimate prepared by the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 17, 2021.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4035, the Real Justice for Our Veterans Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lindsay Wylie.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 4035, Real Justice for Our Veterans Act of 2021
As ordered reported by the House Committee on the Judiciary on July 21, 2021

By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	8	18

Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 4035 would authorize the Department of Justice (DOJ) to provide grants to local governments for improving retention rates in veterans treatment court and drug court programs, specialized programs that integrate substance use treatment services with criminal proceedings. The bill also would allow veterans to participate in a regular drug court if no veterans treatment court is available. H.R. 4035 would require DOJ to report to the Congress three years after enactment on the effectiveness of veterans treatment court programs, including an assessment of access to such programs for women and people in various demographic groups.

The bill would authorize appropriations of $3 million annually over the 2022–2027 period for the grant program. Using historical rates of spending for similar activities, CBO estimates that DOJ would spend $8 million over the 2021–2026 period to implement the provision, with the remaining amount spent after 2026. Based on the cost of similar activities, CBO estimates that the cost to produce the report would be less than $500,000 over the 2022–2026 period; any such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Lindsay Wylie. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House Rule XIII, no provision of H.R. 4035 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House Rule XIII, H.R. 4035 would benefit justice-involved veterans and improve the operation of veterans treatment courts and drug courts.

Advisory on Earmarks

In accordance with clause 9 of House Rule XXI, H.R. 4035 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of House Rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short Title. Section 1 establishes the bill's short title as the "Real Justice for Our Veterans Act of 2021."

Sec. 2. Equal Access to Veterans Treatment Court Programs for Racial and Ethnic Minorities and Women. Section 2 would require that no later than three years after its enactment, the DOJ must submit a report to Congress detailing the effectiveness of veterans treatment court programs. In preparing such report, the Attorney General would conduct a national multisite evaluation of veterans court programs, including an assessment of (1) the populations served by such programs; (2) whether such programs use evidence-

based treatments for substance use and mental health; (3) recidivism rates among program participants; (4) program completion rates; and (5) whether racial and ethnic minorities and women have equal access to such programs and an equal opportunity to complete such programs.

Sec. 3. Veterans Pilot Program on Promising Retention Models. Section 3 would require that the DOJ create a grant pilot program to improve retention in veteran court treatment programs and drug courts. In applying for grant funding, an applicant must demonstrate the therapy model they will use, how that model will increase their program's retention and completion rates, and how they intend to measure their model's efficacy. In addition, no later than 180 days after receiving a grant, recipients shall submit to the Attorney General a report including the demographics of participants in their program and the completion rates among participants. This section authorizes $3 million for each of fiscal years 2022 through 2027 to carry out the pilot program.

Sec. 4. Admission of Veterans to Drug Courts. In the case of a jurisdiction that does not operate a veterans treatment court program but operates a drug court, a veteran who would be eligible to participate in a veterans treatment court program may participate in the drug court—including a veteran who is a violent offender.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of House Rule XIII, changes in existing law made by the bill, H.R. 4035, as reported, are shown as follows:

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

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TITLE I—JUSTICE SYSTEM IMPROVEMENT

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PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

SEC. 2991. ADULT AND JUVENILE COLLABORATION PROGRAMS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) APPLICANT.—The term "applicant" means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

(2) COLLABORATION PROGRAM.—The term "collaboration program" means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

(A) a criminal or juvenile justice agency or a mental health court; and

(B) a mental health agency.

(3) CRIMINAL OR JUVENILE JUSTICE AGENCY.—The term "criminal or juvenile justice agency" means an agency of a State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

(4) DIVERSION AND ALTERNATIVE PROSECUTION AND SENTENCING.—

(A) IN GENERAL.—The terms "diversion" and "alternative prosecution and sentencing" mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

(B) APPROPRIATE USE.—In this paragraph, the term "appropriate use" includes the discretion of the judge or supervising authority, the leveraging of graduated sanctions to encourage compliance with treatment, and law enforcement diversion, including crisis intervention teams.

(C) GRADUATED SANCTIONS.—In this paragraph, the term "graduated sanctions" means an accountability-based graduated series of sanctions (including incentives, treatments, and services) applicable to mentally ill offenders within both the juvenile and adult justice system to hold individuals accountable for their actions and to protect communities by providing appropriate sanctions for inducing law-abiding behavior and preventing subsequent involvement in the criminal justice system.

(5) MENTAL HEALTH AGENCY.—The term "mental health agency" means an agency of a State or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse services.

(6) MENTAL HEALTH COURT.—The term "mental health court" means a judicial program that meets the requirements of part V of this title.

(7) MENTAL ILLNESS; MENTAL HEALTH DISORDER.—The terms "mental illness" and "mental health disorder" mean a diagnosable mental, behavioral, or emotional disorder—

(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(B)(i) that, in the case of an adult, has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; or

(ii) that, in the case of a juvenile, has resulted in functional impairment that substantially interferes with or limits the juvenile's role or functioning in family, school, or community activities.

(8) NONVIOLENT OFFENSE.—The term "nonviolent offense" means an offense that does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another or is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(9) PRELIMINARILY QUALIFIED OFFENDER.—

(A) IN GENERAL.—The term "preliminarily qualified offender" means an adult or juvenile accused of an offense who—

(i)(I) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders;

(II) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; or

(III) in the case of a veterans treatment court provided under subsection (i), has been diagnosed with, or manifests obvious signs of, mental illness or a substance abuse disorder or co-occurring mental illness and substance abuse disorder;

(ii) has been unanimously approved for participation in a program funded under this section by, when appropriate—

(I) the relevant—

(aa) prosecuting attorney;

(bb) defense attorney;

(cc) probation or corrections official; and

(dd) judge; and

(II) a representative from the relevant mental health agency described in subsection (b)(5)(B)(i);

(iii) has been determined, by each person described in clause (ii) who is involved in approving the adult or juvenile for participation in a program funded under this section, to not pose a risk of violence to any person in the program, or the public, if selected to participate in the program; and

(iv) has not been charged with or convicted of—

(I) any sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)) or any offense relating to the sexual exploitation of children; or

(II) murder or assault with intent to commit murder.

(B) DETERMINATION.—In determining whether to designate a defendant as a preliminarily qualified offender, the relevant prosecuting attorney, defense attorney, probation or corrections official, judge, and mental health or

substance abuse agency representative shall take into account—

(i) whether the participation of the defendant in the program would pose a substantial risk of violence to the community;

(ii) the criminal history of the defendant and the nature and severity of the offense for which the defendant is charged;

(iii) the views of any relevant victims to the offense;

(iv) the extent to which the defendant would benefit from participation in the program;

(v) the extent to which the community would realize cost savings because of the defendant's participation in the program; and

(vi) whether the defendant satisfies the eligibility criteria for program participation unanimously established by the relevant prosecuting attorney, defense attorney, probation or corrections official, judge and mental health or substance abuse agency representative.

(10) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(11) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental agency located within a city, county, township, town, borough, parish, or village.

(b) PLANNING AND IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets preliminarily qualified offenders in order to promote public safety and public health.

(2) PURPOSES.—Grants awarded under this section shall be used to create or expand—

(A) mental health courts or other court-based programs for preliminarily qualified offenders;

(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel serving those with co-occurring mental illness and substance abuse problems in procedures for identifying the symptoms of preliminarily qualified offenders in order to respond appropriately to individuals with such illnesses;

(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

(3) APPLICATIONS.—

(A) IN GENERAL.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

(4) PLANNING GRANTS.—

(A) APPLICATION.—The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

(B) CONTENTS.—The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

(C) PERIOD OF GRANT.—A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

(D) COLLABORATION SET ASIDE.—Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

(5) IMPLEMENTATION GRANTS.—

(A) APPLICATION.—Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

(B) COLLABORATION.—To receive an implementation grant, the joint applicants shall—

(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court)

and 1 mental health agency will participate in the administration of the collaboration program;

(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to provide supervision of offenders and jointly ensure that the provision of mental health treatment services and substance abuse services for individuals with co-occurring mental health and substance abuse disorders are coordinated, which may range from consultation or collaboration to integration in a single setting or treatment model;

(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

(iv) involve, to the extent practicable, in developing the grant application—

(I) preliminarily qualified offenders;

(II) the families and advocates of such individuals under subclause (I); and

(III) advocates for victims of crime.

(C) CONTENT.—To be eligible for an implementation grant, joint applicants shall comply with the following:

(i) DEFINITION OF TARGET POPULATION.—Applicants for an implementation grant shall—

(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

(II) develop guidelines that can be used by personnel of an adult or juvenile justice agency to identify preliminarily qualified offenders.

(ii) SERVICES.—Applicants for an implementation grant shall—

(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, validated, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

(II) specify plans for making mental health, or mental health and substance abuse, treatment services available and accessible to preliminarily qualified offenders at the time of their release from the criminal justice system, including outside of normal business hours;

(III) ensure that there are substance abuse personnel available to respond appropriately to the treatment needs of preliminarily qualified offenders;

(IV) determine eligibility for Federal benefits;

(V) ensure that preliminarily qualified offenders served by the collaboration program will have adequate supervision and access to effective and appropriate community-based mental health services, including, in the case of individuals with co-

occurring mental health and substance abuse disorders, coordinated services, which may range from consultation or collaboration to integration in a single setting treatment model;

(VI) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

(VII) include strategies, to the extent practicable, to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

(D) HOUSING AND JOB PLACEMENT.—Recipients of an implementation grant may use grant funds to assist mentally ill offenders compliant with the program in seeking housing or employment assistance.

(E) POLICIES AND PROCEDURES.—Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

(F) FINANCIAL.—Applicants for an implementation grant shall—

(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as Medicaid, Medicare, and the State Children's Insurance Program); and

(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

(G) OUTCOMES.—Applicants for an implementation grant shall—

(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

(H) STATE PLANS.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration

program relates to existing State criminal or juvenile justice and mental health plans and programs.

(I) USE OF FUNDS.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERNATIVE PROSECUTION AND SENTENCING PROGRAMS.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title, other court-based programs, or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

(ii) TRAINING.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

(I) criminal justice system personnel to identify and respond appropriately to the unique needs of preliminarily qualified offenders; or

(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

(iii) SERVICE DELIVERY.—Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

(iv) IN-JAIL AND TRANSITIONAL SERVICES.—Funds may be used to promote and provide mental health treatment and transitional services for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

(v) TEAMS ADDRESSING FREQUENT USERS OF CRISIS SERVICES.—Multidisciplinary teams that—

(I) coordinate, implement, and administer community-based crisis responses and long-term plans for frequent users of crisis services;

(II) provide training on how to respond appropriately to the unique issues involving frequent users of crisis services for public service personnel, including criminal justice, mental health, substance abuse, emergency room, healthcare, law enforcement, corrections, and housing personnel;

(III) develop or support alternatives to hospital and jail admissions for frequent users of crisis services that provide treatment, stabilization, and other appropriate supports in the least restrictive, yet appropriate, environment; and

(IV) develop protocols and systems among law enforcement, mental health, substance abuse, housing, corrections, and emergency medical service operations to provide coordinated assistance to frequent users of crisis services.

(J) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

(2) promote effective strategies for identification and treatment of female mentally ill offenders;

(3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders;

(4) propose interventions that have been shown by empirical evidence to reduce recidivism;

(5) when appropriate, use validated assessment tools to target preliminarily qualified offenders with a moderate or high risk of recidivism and a need for treatment and services; or

(6)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

(D) have the support of both the Attorney General and the Secretary.

(d) MATCHING REQUIREMENTS.—

(1) FEDERAL SHARE.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

(A) 80 percent of the total cost of the program during the first 2 years of the grant;

(B) 60 percent of the total cost of the program in year 3; and

(C) 25 percent of the total cost of the program in years 4 and 5.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(e) FEDERAL USE OF FUNDS.—The Attorney General, in consultation with the Secretary, in administering grants under this section, shall use not less than 6 percent of funds appropriated to—

(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

(5) develop a uniform program evaluation process; and

(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

(f) INTERAGENCY TASK FORCE.—

(1) IN GENERAL.—The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

(2) RESPONSIBILITIES.—The task force established under paragraph (1) shall—

(A) identify policies within their departments that hinder or facilitate local collaborative initiatives for preliminarily qualified offenders; and

(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to preliminarily qualified offenders.

(g) COLLABORATION SET-ASIDE.—The Attorney General shall use not less than 8 percent of funds appropriated to provide technical assistance to State and local governments receiving grants under this part to foster collaboration between such governments in furtherance of the purposes set forth in section 3 of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (34 U.S.C. 10651 note).

(h) LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.—

(1) AUTHORIZATION.—The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

(A) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(B) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

(C) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

(D) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal

and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

(E) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(F) ACADEMY TRAINING.—To provide support for academy curricula, law enforcement officer orientation programs, continuing education training, and other programs that teach law enforcement personnel how to identify and respond to incidents involving persons with mental health disorders or co-occurring mental health and substance abuse disorders.

(2) BJA TRAINING MODELS.—For purposes of paragraph (1)(A), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

(3) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this subsection may not exceed 50 percent of the costs of the program. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(4) PRIORITY CONSIDERATION.—The Attorney General, in awarding grants under this subsection, shall give priority to programs that law enforcement personnel and members of the mental health and substance abuse professions develop and administer cooperatively.

(i) ASSISTING VETERANS.—

(1) DEFINITIONS.—In this subsection:

(A) PEER-TO-PEER SERVICES OR PROGRAMS.—The term "peer-to-peer services or programs" means services or programs that connect qualified veterans with other veterans for the purpose of providing support and mentorship to assist qualified veterans in obtaining treatment, recovery, stabilization, or rehabilitation.

(B) QUALIFIED VETERAN.—The term "qualified veteran" means a preliminarily qualified offender who—

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

(ii) was discharged or released from such service under conditions other than dishonorable, unless the reason for the dishonorable discharge was attributable to a substance abuse disorder.

(C) VETERANS TREATMENT COURT PROGRAM.—The term "veterans treatment court program" means a court program involving collaboration among criminal justice, veterans, and mental health and substance abuse agencies that provides qualified veterans with—

(i) intensive judicial supervision and case management, which may include random and frequent drug testing where appropriate;

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

(iii) alternatives to incarceration; or

(iv) other appropriate services, including housing, transportation, mentoring, employment, job training, education, or assistance in applying for and obtaining available benefits.

(2) VETERANS ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Attorney General, in consultation with the Secretary of Veterans Affairs, may award grants under this subsection to applicants to establish or expand—

(i) veterans treatment court programs;

(ii) peer-to-peer services or programs for qualified veterans;

(iii) practices that identify and provide treatment, rehabilitation, legal, transitional, and other appropriate services to qualified veterans who have been incarcerated; or

(iv) training programs to teach criminal justice, law enforcement, corrections, mental health, and substance abuse personnel how to identify and appropriately respond to incidents involving qualified veterans.

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

(i) demonstrate collaboration between and joint investments by criminal justice, mental health, substance abuse, and veterans service agencies;

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

(iii) propose interventions with empirical support to improve outcomes for qualified veterans.

(C) REPORT.—Not later than 3 years after the date of enactment of this subparagraph, the Attorney General shall submit to Congress a report on the effectiveness of veterans treatment court programs. In preparing such a report, the Attorney General shall conduct a national multi-site evaluation of such programs, including an assessment of—

(i) the population served by such programs;

(ii) whether such programs use evidence-based treatments for substance use and mental health, including medication for addiction treatment;

(iii) recidivism rates of participants in such programs;

(iv) program completion rates; and

(v) whether racial and ethnic minorities and women have equal access to such programs and an equal opportunity to complete such programs, including by col-

lecting and analyzing data related to admission in such programs and completion of such programs, to ensure there are not disparities related to race, ethnicity, or sex.

(j) FORENSIC ASSERTIVE COMMUNITY TREATMENT (FACT) INITIATIVE PROGRAM.—

(1) IN GENERAL.—The Attorney General may make grants to States, units of local government, territories, Indian Tribes, nonprofit agencies, or any combination thereof, to develop, implement, or expand Assertive Community Treatment initiatives to develop forensic assertive community treatment (referred to in this subsection as "FACT") programs that provide high intensity services in the community for individuals with mental illness with involvement in the criminal justice system to prevent future incarcerations.

(2) ALLOWABLE USES.—Grant funds awarded under this subsection may be used for—

(A) multidisciplinary team initiatives for individuals with mental illnesses with criminal justice involvement that address criminal justice involvement as part of treatment protocols;

(B) FACT programs that involve mental health professionals, criminal justice agencies, chemical dependency specialists, nurses, psychiatrists, vocational specialists, forensic peer specialists, forensic specialists, and dedicated administrative support staff who work together to provide recovery oriented, 24/7 wraparound services;

(C) services such as integrated evidence-based practices for the treatment of co-occurring mental health and substance-related disorders, assertive outreach and engagement, community-based service provision at participants' residence or in the community, psychiatric rehabilitation, recovery oriented services, services to address criminogenic risk factors, and community tenure;

(D) payments for treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide needed treatment to eligible offenders participating in the program, including behavioral health services and aftercare supervision; and

(E) training for all FACT teams to promote high-fidelity practice principles and technical assistance to support effective and continuing integration with criminal justice agency partners.

(3) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this subsection shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this subsection.

(4) APPLICATIONS.—To request a grant under this subsection, a State, unit of local government, territory, Indian Tribe, or nonprofit agency shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(k) SEQUENTIAL INTERCEPT GRANTS.—

(1) DEFINITION.—In this subsection, the term "eligible entity" means a State, unit of local government, Indian tribe, or tribal organization.

(2) AUTHORIZATION.—The Attorney General may make grants under this subsection to an eligible entity for sequential intercept mapping and implementation in accordance with paragraph (3).

(3) SEQUENTIAL INTERCEPT MAPPING; IMPLEMENTATION.—An eligible entity that receives a grant under this subsection may use funds for—

(A) sequential intercept mapping, which—

(i) shall consist of—

(I) convening mental health and criminal justice stakeholders to—

(aa) develop a shared understanding of the flow of justice-involved individuals with mental illnesses through the criminal justice system; and

(bb) identify opportunities for improved collaborative responses to the risks and needs of individuals described in item (aa); and

(II) developing strategies to address gaps in services and bring innovative and effective programs to scale along multiple intercepts, including—

(aa) emergency and crisis services;

(bb) specialized police-based responses;

(cc) court hearings and disposition alternatives;

(dd) reentry from jails and prisons; and

(ee) community supervision, treatment and support services; and

(ii) may serve as a starting point for the development of strategic plans to achieve positive public health and safety outcomes; and

(B) implementation, which shall—

(i) be derived from the strategic plans described in subparagraph (A)(ii); and

(ii) consist of—

(I) hiring and training personnel;

(II) identifying the eligible entity's target population;

(III) providing services and supports to reduce unnecessary penetration into the criminal justice system;

(IV) reducing recidivism;

(V) evaluating the impact of the eligible entity's approach; and

(VI) planning for the sustainability of effective interventions.

(l) CORRECTIONAL FACILITIES.—

(1) DEFINITIONS.—

(A) CORRECTIONAL FACILITY.—The term "correctional facility" means a jail, prison, or other detention facility used

to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court.

(B) ELIGIBLE INMATE.—The term "eligible inmate" means an individual who—

(i) is being held, detained, or incarcerated in a correctional facility; and

(ii) manifests obvious signs of a mental illness or has been diagnosed by a qualified mental health professional as having a mental illness.

(2) CORRECTIONAL FACILITY GRANTS.—The Attorney General may award grants to applicants to enhance the capabilities of a correctional facility—

(A) to identify and screen for eligible inmates;

(B) to plan and provide—

(i) initial and periodic assessments of the clinical, medical, and social needs of inmates; and

(ii) appropriate treatment and services that address the mental health and substance abuse needs of inmates;

(C) to develop, implement, and enhance—

(i) post-release transition plans for eligible inmates that, in a comprehensive manner, coordinate health, housing, medical, employment, and other appropriate services and public benefits;

(ii) the availability of mental health care services and substance abuse treatment services; and

(iii) alternatives to solitary confinement and segregated housing and mental health screening and treatment for inmates placed in solitary confinement or segregated housing; and

(D) to train each employee of the correctional facility to identify and appropriately respond to incidents involving inmates with mental health or co-occurring mental health and substance abuse disorders.

(m) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) DEFINITION.—In this paragraph, the term "unresolved audit finding" means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved

audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term "nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than $20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

(A) indicating whether—

(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

(iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(n) PREVENTING DUPLICATIVE GRANTS.—

(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

(2) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

(B) the reason the Attorney General awarded the duplicate grants.

(o) AUTHORIZATION OF APPROPRIATIONS.—(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice to carry out this section—

(A) $50,000,000 for fiscal year 2005;

(B) such sums as may be necessary for each of the fiscal years 2006 and 2007; and

(C) $50,000,000 for each of the fiscal years 2017 through 2021.

(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the ad-

ministrative expenses of the Attorney General in carrying out this section for such fiscal year.

(3) LIMITATION.—Not more than 20 percent of the funds authorized to be appropriated under this section may be used for purposes described in subsection (i) (relating to veterans).

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