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Effective Date of Repeal
Repeal effective Oct. 12, 1984, see section 609Aa(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

§ 3702. State and local governments to consider courts
The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.


Codification
Section was enacted as part of the Court Security Improvement Act of 2007, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

SUBCHAPTER I—OFFICE OF JUSTICE PROGRAMS

§ 3711. Establishment of Office of Justice Programs
There is hereby established an Office of Justice Programs within the Department of Justice under the general authority of the Attorney General. The Office of Justice Programs (hereinafter referred to in this chapter as the “Office”) shall be headed by an Assistant Attorney General (hereinafter in this chapter referred to as the “Assistant Attorney General”) appointed by the President, by and with the advice and consent of the Senate.


References in Text
This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 90–351, as added by Pub. L. 96–157, § 2, Dec. 27, 1979, 93 Stat. 1167, as amended, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

Prior Provisions


Effective Date
Section 609AA of Pub. L. 98–473 provided that:

“(a) Except as provided in subsection (b), this division and the amendments made by this title [probably means division, see Short Title of 1984 Amendment note below] shall take effect on the date of the enactment of this joint resolution [Oct. 12, 1984] or October 1, 1984, whichever is later.

“(b) (1) The amendment made by section 609F [amending sections 3796 to 3796c of this title] shall take effect on October 1, 1984, and shall not apply with respect to injuries sustained before October 1, 1984.

“(2) Section 609Z [repealing section 204 of Pub. L. 98–411, which had amended sections 3796 to 3796b of this title and enacted provisions set out as a note under section 3796c of this title] shall take effect on October 1, 1984.”

Short Title of 2008 Amendment


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Short Title of 2002 Amendments

Pub L. 107–273, div. B, title II, §2001, Nov. 2, 2002, 116 Stat. 1792, provided that: “This title [enacting subchapter XVI of this chapter and sections 3797w and 3797w–1 of this title, amending sections 2850–2, 3793, 3793f, 3796ff–1, and 3797ff–3 of this title, sections 3565 and 3583 of Title 18, Crimes and Criminal Procedure, and section 523 of Title 21, Food and Drugs, and enacting provisions set out as notes under sections 3722 and 3797a of this title and section 3661 of Title 18] may be cited as the ‘Drug Abuse Education, Prevention, and Treatment Act of 2002’.”

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91–644, § 1, Jan. 2, 1971, 84 Stat. 1880, provided: ‘’That this Act [enacting sections 3747, 3748, 3750 to 3754, 3759 to 3763, and 3765 of this title and sections 351 and 1752 of Title 18, Crimes and Criminal Procedure, amending this section, sections 3723, 3724, 3731, 3733, 3735, 3736, 3746, 3756, 3763 to 3765, 3767 to 3769, and 3761 of this title, sections 5108 and 5313 to 5316 of Title 5, Government Organization and Employees, and sections 921, 3056, and 3731 of Title 18, enacting provisions set out as notes under section 3731 of Title 18, amending provisions set out as notes under section 3716 of Title 18, and repealing provisions set out as notes under section 3710 of Title 18] may be cited as the ‘Omnibus Crime Control Act of 1970.’’

SHORT TITLE

Section 1 of Pub. L. 90–351, June 19, 1968, 82 Stat. 197, provided: ‘’That this Act [enacting this chapter, sections 3315(90), 3316(126), and 7313 of Title 5, Government Organization and Employees, sections 921 to 928 (chapter 44), 2510 to 2530 (chapter 119), 310a, 3501, and 3502 of Title 18, Crimes and Criminal Procedure, and Appendix to Title 18, amending section 3334(a) of this title, section 3731 of Title 18, and section 605 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, repealing sections 961 to 910 of Title 15, Commerce and Trade, enacting provisions set out as notes under section 7316 of Title 5, sections 921 and 2516 of Title 18, and section 532 of Title 28, Judiciary and Judicial Procedure, and repealing provisions set out as a note preceding section 3901 of Title 18] may be cited as the ‘Omnibus Crime Control and Safe Streets Act of 1968.’’

SEPARABILITY

Section 1601 of Pub. L. 90–351, title XI, June 19, 1968, 82 Stat. 239, provided that: ‘’If the provisions of any part of this Act [see Short Title note above] or any amendment made thereunder, or the application thereof to any person or circumstances shall not be affected thereby;’’ [Another section 1601 of Pub. L. 90–351 is classified to section 3766c of this title.]

REFERENCES IN OTHER LAWS

Section 6001 of Pub. L. 90–351, § 37–473 provided that: ‘’(a) Any reference to the Law Enforcement Assistance Administration, or to the Administrator of the Law Enforcement Assistance Administration, in any law other than this Act [see Short Title of 1984 Amendment note set out above] and the Omnibus Crime Control and Safe Streets Act of 1968 shall be deemed to be a reference to the Office of Justice Programs, the Director of the Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention; and (b) Any reference to the Office of Justice Assistance, Research, and Statistics, or to the Director of the Office of Justice Assistance, Research, and Statistics, to the Director of the Bureau of Justice Statistics, or the Director of the Bureau of Justice Assistance shall be deemed to be a reference to the Director of the Bureau of Justice Assistance, or to the Director of the Bureau of Justice Assistance, as the case may be.’’

§ 3712. Duties and functions of Assistant Attorney General

(a) Specific, general and delegated powers

The Assistant Attorney General shall—

1. publish and disseminate information on the conditions and progress of the criminal justice systems;
2. maintain liaison with the executive and judicial branches of the Federal and State governments in matters relating to criminal justice;
3. provide information to the President, the Congress, the judiciary, State and local governments, and the general public relating to criminal justice;
4. maintain liaison with public and private educational and research institutions, State and local governments, and governments of other nations relating to criminal justice;
5. coordinate and provide staff support to coordinate the activities of the Office of the Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, the Office for Victims of Crime, and the Office of Juvenile Justice and Delinquency Prevention; and
6. exercise such other powers and functions as may be vested in the Assistant Attorney General pursuant to this chapter or by delegation of the Attorney General, including placing special conditions on all grants, and determining priority purposes for formula grants.

(b) Annual report to President and Congress

The Assistant Attorney General shall submit an annual report to the President and to the Congress not later than March 31 of each year.

References to this chapter, referred to in subsec. (a)(6), was in the original ‘‘this title’’, meaning title I of Pub. L. 90–351, as added by Pub. L. 96–157, §§ 2, Dec. 27, 1979, 93 Stat. 1170, described duties and functions of Administrator of Law Enforcement Assistance Administration, prior to the general amendment of this subchapter by Pub. L. 98–473.

Amendments

2006—Subsec. (a)(5). Pub. L. 109–162, § 1152(a), inserted ‘‘the Office for Victims of Crime,’’ after ‘‘the Bureau of Justice Statistics,’’.

Subsec. (a)(6). Pub. L. 109–162, § 1152(b), inserted ‘‘, including placing special conditions on all grants, and determining priority purposes for formula grants’’ before period at end.

2002—Subsec. (a)(5). Pub. L. 107–296 inserted ‘‘coordinate and’’ before ‘‘provide’’.

Effective date of 2002 amendment

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as
an Effective Date note under section 101 of Title 6, Domestic Security.

**Effective Date**

Section effective Oct. 12, 1984, see section 699A(a) of Pub. L. 98–473, set out as a note under section 3711 of this title.

§ 3712a. Office of Weed and Seed Strategies

(a) Establishment

There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

(b) Assistance

The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 3712b of this title.

(c) Authorization of appropriations

There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.


**Effective Date**

Pub. L. 109–162, title XI, § 1121(c), Jan. 5, 2006, 119 Stat. 3107, as amended by Pub. L. 109–271, § 8(n)(1), Aug. 12, 2006, 120 Stat. 767, provided that: “This section [enacting this section and sections 3712b and 3712c of this title and provisions set out as a note below] and the amendments made by this section take effect with respect to appropriations for fiscal year 2007 and for each fiscal year thereafter.’’

‡

ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS


“(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

“(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act [Jan. 5, 2006] by the Executive Office of Weed and Seed Strategies.’’

§ 3712b. Weed and Seed strategies

(a) In general

From amounts made available under section 3712a(c) of this title, the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

(1) Weeding

Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

(2) Seeding

Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

(B) community revitalization efforts, including enforcement of building codes and development of the economy.

(b) Guidelines

The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) of this section shall—

(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

(A) in a voting capacity, representatives of—

(i) appropriate law enforcement agencies; and

(ii) other public and private agencies, neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

(B) in a voting capacity, both—

(i) the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community; and

(ii) the United States Attorney for the District encompassing the community;

(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) of this section and the Seeding activities under subsection (a)(2) of this section.

(c) Designation

For a community to be designated as a Weed-and-Seed community for purposes of subsection (a) of this section—

(1) the United States Attorney for the District encompassing the community must certify to the Director that—

(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

(C) the steering committee is capable of implementing the strategy appropriately; and
(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

(d) Application

An application for designation as a Weed-and-Seed community for purposes of subsection (a) of this section shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

(1) a sustainable Weed and Seed strategy that includes—

(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

(B) a significant community-oriented policing component; and

(C) demonstrated coordination with community-based programs and initiatives; and

(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

(e) Grants

(1) In general

In implementing a strategy for a community under subsection (a) of this section, the Director may make grants to that community.

(2) Uses

For each grant under this subsection, the community receiving that grant may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

(3) Limitations

A community may not receive grants under this subsection (or fall within such a community)—

(A) for a period of more than 10 fiscal years;

(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 5 additional fiscal years; or

(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

(4) Distribution

In making grants under this subsection, the Director shall ensure that—

(A) to the extent practicable, the distribution of such grants is geographically equitable; and includes both urban and rural areas of varying population and area; and

(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

(5) Federal share

(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

(B) The requirement of subparagraph (A)—

(i) may be satisfied in cash or in kind; and

(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

(6) Supplement, not supplant

To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.


Effective Date

Section effective with respect to appropriations for fiscal year 2007 and for each fiscal year thereafter, see section 1121(c) of Pub. L. 109–162, set out as a note under section 3712a of this title.

§ 3712c. Inclusion of Indian tribes

For purposes of sections 3712a and 3712b of this title, the term “State” includes an Indian tribal government.


Codification

Another section 105 of Pub. L. 90–351 was renumbered section 109 and is classified to section 3712h of this title.

Effective Date

Section effective with respect to appropriations for fiscal year 2007 and for each fiscal year thereafter, see section 1121(c) of Pub. L. 109–162, set out as a note under section 3712a of this title.

§ 3712d. Transferred

Codification


§ 3712e. Community Capacity Development Office

(a) Establishment

(1) In general

There is established within the Office a Community Capacity Development Office, headed
by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegate.

(2) Purpose
The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 3712a(b)\(^1\) of this title to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

(3) Exclusivity
The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before January 5, 2006, by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

(b) Means
The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:
(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.
(2) Providing information, training, and technical assistance.
(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.
(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.
(5) Any other similar means.

(c) Locations
Training referred to in subsection (a) of this section shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

(d) Best practices
The Director shall—
(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and
(2) incorporate those characteristics into the training provided under this section.

(e) Availability of funds
not\(^2\) to exceed 3 percent of all funding made available for a fiscal year for the programs covered by section 3712a(b)\(^1\) of this title shall be reserved for the Community Capacity Development Office for the activities authorized by this section.


REFERENCES IN TEXT
Section 3712a(b) of this title, referred to in subsecs. (a)(2) and (e), probably should be a reference to section 3712a(b) of this title because section 3712a(b) relates to Director assistance and section 3712h(b) specifically sets out covered programs.

January 5, 2006, referred to in subsec. (a)(3), was in the original “the date of the enactment of this Act” and was translated as meaning the date of enactment of Pub. L. 109–162, which enacted this section, to reflect the probable intent of Congress.

AMENDMENTS
2006—Subsecs. (a)(2), (e). Pub. L. 109–217 substituted “section 3712a(b)” for “section 3712d(b)”.

\(^1\) See References in Text Note below.

\(^2\) So in original. Probably should be capitalized.
§ 3712g. Availability of funds

(a) Period for awarding grant funds

(1) In general

Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

(2) Treatment of reprogrammed funds

DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

(3) Treatment of deobligated funds

If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

(b) Period for expending grant funds

DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall be deobligated.

(c) Definition

In this section, the term “DOJ grant funds” means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

(d) Applicability

This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.


AMENDMENTS

2006—Subsec. (b). Pub. L. 109–271 substituted “be deobligated” for “revert to the Treasury”.

EFFECTIVE DATE


§ 3712h. Office of Audit, Assessment, and Management

(a) Establishment

(1) In general

There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

(2) Purpose

The purpose of the Office shall be to carry out and coordinate program assessments of, and actions to ensure compliance with the terms of, and to manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

(3) Exclusivity

The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before January 5, 2006, by any other element of the Department.

(b) Covered programs

The programs referred to in subsection (a) are the following:

(1) The program under subchapter XII–E of this chapter.

(2) Any grant program carried out by the Office of Justice Programs.

(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

(c) Program assessments required

(1) In general

The Director shall select grants awarded under the programs covered by subsection (b) and carry out program assessments on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

(2) Relationship to NIJ evaluations

This subsection does not affect the authority of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

(3) Timing of program assessments

The program assessment required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

(B) at the end of each year of the grant period, if the grant period is more than 1 year.

(d) Compliance actions required

The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in con-
sultation with the head of the element of the Department of Justice concerned), through a program assessment under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

(e) Grant management system

The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

(f) Availability of funds

Not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the Office of Audit, Assessment and Management for the activities authorized by this section.


REFERENCES IN TEXT

January 5, 2006, referred to in subsec. (a)(3), was in the original “the date of the enactment of this Act” and was translated as meaning the date of enactment of Pub. L. 109–162, which enacted this section, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 3712d of this title prior to renumbering by Pub. L. 109–271.

EFFECTIVE DATE


“(1) IN GENERAL.—Except as provided in paragraph (2), section 109 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712d) [now 3712h] shall take effect on October 1, 2006.’’

§3713. State grant program for training and prosecution of computer crimes

(a) In general

Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof in accordance with subsection (b) of this section.

(b) Use of grant amounts

Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime, including infringement of copyrighted works over the Internet;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime, including infringement of copyrighted works over the Internet;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime, including infringement of copyrighted works over the Internet;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) Assurances

To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as criminal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) Matching funds

The Federal share of a grant received under this section may not exceed 90 percent of the costs of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.
(e) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2013.

(2) Limitations

Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) Minimum amount

Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantee entities within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) Grants to Indian tribes

Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.


REFERENCES IN TEXT


CODIFICATION

Section was enacted as part of the Computer Crime Enforcement Act, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

PRIORITY PROVISIONS


AMENDMENTS

2008—Subsec. (b)(1)–(3). Pub. L. 110–403, § 401(a)(1), inserted “; including infringement of copyrighted works over the Internet” after “computer crime”.


§ 3713a. Local law enforcement grants

(a) Omitted

(b) Grants

The Office of Justice Programs of the Department of Justice may make grants to eligible State or local law enforcement entities, including law enforcement agencies of municipal governments and public educational institutions, for salaries and administrative expenses incurred in enforcing intellectual property theft and infringement crimes (in this section referred to as “IP–TIC grants”), in accordance with the following:

(1) Use of IP–TIC grant amounts

IP–TIC grants may be used to establish and develop programs to do the following with respect to the enforcement of State and local true name and address laws and State and local criminal laws on anti-infringement, anti-counterfeiting, and unlawful acts with respect to goods by reason of their protection by a patent, trademark, service mark, trade secret, or other intellectual property right under State or Federal law:

(A) Assist State and local law enforcement agencies in enforcing those laws, including expenses incurred in performing enforcement operations, such as overtime payments and storage fees for seized evidence.

(B) Assist State and local law enforcement agencies in educating the public to prevent, deter, and identify violations of those laws.

(C) Educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(D) Establish task forces that include personnel from State or local law enforcement entities, or both, exclusively to conduct investigations and forensic analyses of evidence in matters involving those laws.

(E) Assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analyses of evidence in matters involving those laws.

(F) Facilitate and promote the sharing, with State and local law enforcement officers and prosecutors, of the expertise and information of Federal law enforcement agencies about the investigation, analysis, and prosecution of matters involving those laws and criminal infringement of copyrighted works, including the use of multijurisdictional task forces.

(2) Eligibility

To be eligible to receive an IP–TIC grant, a State or local government entity shall provide to the Attorney General, in addition to the information regularly required to be provided under the Financial Guide issued by the Office of Justice Programs and any other information required of Department of Justice’s grantees—

(A) assurances that the State in which the government entity is located has in effect laws described in paragraph (1);

(B) an assessment of the resource needs of the State or local government entity applying for the grant, including information on the need for reimbursements of base salaries and overtime costs, storage fees, and other expenditures to improve the investigation,
(3) Matching funds

The Federal share of an IP–TIC grant may not exceed 50 percent of the costs of the program or proposal funded by the IP–TIC grant.

(4) Authorization of appropriations

(A) Authorization

There is authorized to be appropriated to carry out this subsection the sum of $25,000,000 for each of fiscal years 2009 through 2013.

(B) Limitation

Of the amount made available to carry out this subsection in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.


REFERENCES IN TEXT


CODIFICATION

Section was enacted as part of the Prioritizing Resources and Organization for Intellectual Property Act of 2008, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.


§ 3713c. Improved investigative and forensic resources for enforcement of laws related to intellectual property crimes

(a) In general

Subject to the availability of appropriations to carry out this subsection, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes related to the theft of intellectual property—

(1) ensure that there are at least 10 additional operational agents of the Federal Bureau of Investigation designated to support the Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice in the investigation and coordination of intellectual property crimes;

(2) ensure that any Computer Hacking and Intellectual Property Crime Unit in the Department of Justice is supported by at least 1 agent of the Federal Bureau of Investigation (in addition to any agent supporting such unit as of October 13, 2008) to support such unit for the purpose of investigating or prosecuting intellectual property crimes;

(3) ensure that all Computer Hacking and Intellectual Property Crime Units located at an office of a United States Attorney are assigned at least 2 Assistant United States Attorneys responsible for investigating and prosecuting computer hacking or intellectual property crimes; and

(4) ensure the implementation of a regular and comprehensive training program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to intellectual property crimes; and

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes.

(b) Organized crime plan

Subject to the availability of appropriations to carry out this subsection, and not later than 180 days after October 13, 2008, the Attorney General, through the United States Attorneys’ Offices, the Computer Crime and Intellectual Property section, and the Organized Crime and Racketeering section of the Department of Justice, and in consultation with the Federal Bureau of Investigation and other Federal law enforcement agencies, such as the Department of Homeland Security, shall create and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes relating to the theft of intellectual property.

(c) Authorization

There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 through 2013.


CODIFICATION

Section was enacted as part of the Prioritizing Resources and Organization for Intellectual Property Act of 2008, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

§ 3713c. Additional funding for resources to investigate and prosecute intellectual property crimes and other criminal activity involving computers

(a) Additional funding for resources

(1) Authorization

In addition to amounts otherwise authorized for resources to investigate and prosecute intellectual property crimes and other criminal activity involving computers, there are authorized to be appropriated for each of the fiscal years 2009 through 2013—

(A) $10,000,000 to the Director of the Federal Bureau of Investigation;

(B) $10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.
(2) Availability

Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) Use of additional funding

Funds made available under subsection (a) shall be used by the Director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(1) hire and train law enforcement officers to—

(A) investigate intellectual property crimes and other crimes committed through the use of computers and other information technology, including through the use of the Internet; and

(B) assist in the prosecution of such crimes; and

(2) enable relevant units of the Department of Justice, including units responsible for investigating computer hacking or intellectual property crimes, to procure advanced tools of forensic science and expert computer forensic assistance, including from non-governmental entities, to investigate, prosecute, and study such crimes.


CODIFICATION

Section was enacted as part of the Prioritizing Resources and Organization for Intellectual Property Act of 2008, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

§ 3713d. Annual reports

(a) Report of the Attorney General

Not later than 1 year after October 13, 2008, and annually thereafter, the Attorney General shall submit a report to Congress on actions taken to carry out sections 3713a to 3713d of this title. The initial report required under this subsection shall be submitted by May 1, 2009. All subsequent annual reports shall be submitted by May 1st of each fiscal year thereafter. The report required under this subsection may be submitted as part of the annual performance report of the Department of Justice, and shall include the following:

(1) With respect to grants issued under section 3713a of this title, the number and identity of State and local law enforcement grant applicants, the number of grants issued, the dollar value of each grant, including a breakdown of such value showing how the recipient used the funds, the specific purpose of each grant, and the reports from recipients of the grants on the efficacy of the program supported by the grant. The Department of Justice shall use the information provided by the grant recipients to produce a statement for each individual grant. Such statement shall state whether each grantee has accomplished the purposes of the grant as established in section 3713a(b) of this title. Those grantees not in compliance with the requirements of sections 3713a to 3713d of this title shall be subject, but not limited to, sanctions as described in the Financial Guide issued by the Office of Justice Programs at the Department of Justice.

(2) With respect to the additional agents of the Federal Bureau of Investigation authorized under paragraphs (1) and (2) of section 3713b(a) of this title, the number of investigations and actions in which such agents were engaged, the type of each action, the resolution of each action, and any penalties imposed in each action.

(3) With respect to the training program authorized under section 3713b(a)(4) of this title, the number of agents of the Federal Bureau of Investigation participating in such program, the elements of the training program, and the subject matters covered by the program.

(4) With respect to the organized crime plan authorized under section 3713b(b) of this title, the number of organized crime investigations and prosecutions resulting from such plan.

(5) With respect to the authorizations under section 3713c of this title—

(A) the number of law enforcement officers hired and the number trained;

(B) the number and type of investigations and prosecutions resulting from the hiring and training of such law enforcement officers;

(C) the defendants involved in any such prosecutions;

(D) any penalties imposed in each such successful prosecution;

(E) the advanced tools of forensic science procured to investigate, prosecute, and study computer hacking or intellectual property crimes; and

(F) the number and type of investigations and prosecutions in such tools were used.

(6) Any other information that the Attorney General may consider relevant to inform Congress on the effective use of the resources authorized under sections 3713a, 3713b, and 3713c of this title.

(7) A summary of the efforts, activities, and resources the Department of Justice has allocated to the enforcement, investigation, and prosecution of intellectual property crimes, including—

(A) a review of the policies and efforts of the Department of Justice related to the prevention and investigation of intellectual property crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to intellectual property;

(B) a summary of the overall successes and failures of such policies and efforts;

(C) a review of the investigative and prosecution activity of the Department of Justice with respect to intellectual property crimes, including—

(i) the number of investigations initiated related to such crimes;

(ii) the number of arrests related to such crimes; and
(iii) the number of prosecutions for such crimes, including—
   (I) the number of defendants involved in such prosecutions;
   (II) whether the prosecution resulted in a conviction; and
   (III) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(D) a Department-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(8) A summary of the efforts, activities, and resources that the Department of Justice has taken to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of intellectual property crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes, including the extent to which the Department has utilized existing personnel, materials, technologies, and facilities.

(b) Initial report of the Attorney General

The first report required to be submitted by the Attorney General under subsection (a) shall include a summary of the efforts, activities, and resources the Department of Justice has allocated in the 5 years prior to October 13, 2008, as well as the 1-year period following such date, to the enforcement, investigation, and prosecution of intellectual property crimes, including—

(1) a review of the policies and efforts of the Department of Justice related to the prevention and investigation of intellectual property crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to intellectual property;

(2) a summary of the overall successes and failures of such policies and efforts;

(3) a review of the investigative and prosecution activity of the Department of Justice with respect to intellectual property crimes, including—

(A) the number of investigations initiated related to such crimes;

(B) the number of arrests related to such crimes; and

(C) the number of prosecutions for such crimes, including—

(i) the number of defendants involved in such prosecutions;

(ii) whether the prosecution resulted in a conviction; and

(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(4) a Bureau-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(c) Report of the FBI

Not later than 1 year after October 13, 2008, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit a report to Congress on actions taken to carry out sections 3713a to 3713d of this title. The initial report required under this subsection shall be submitted by May 1, 2009. All subsequent annual reports shall be submitted by May 1st of each fiscal year thereafter. The report required under this subsection may be submitted as part of the annual performance report of the Department of Justice, and shall include—

(1) a review of the policies and efforts of the Bureau related to the prevention and investigation of intellectual property crimes;

(2) a summary of the overall successes and failures of such policies and efforts;

(3) a review of the investigative and prosecution activity of the Bureau with respect to intellectual property crimes, including—

(A) the number of investigations initiated related to such crimes;

(B) the number of arrests related to such crimes; and

(C) the number of prosecutions for such crimes, including—

(i) the number of defendants involved in such prosecutions;

(ii) whether the prosecution resulted in a conviction; and

(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(4) a Bureau-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(d) Initial report of the FBI

The first report required to be submitted by the Director of the Federal Bureau of Investigation under subsection (c) shall include a summary of the efforts, activities, and resources the Federal Bureau of Investigation has allocated in the 5 years prior to October 13, 2008, as well as the 1-year period following such date to the enforcement, investigation, and prosecution of intellectual property crimes, including—

(1) a review of the policies and efforts of the Bureau related to the prevention and investigation of intellectual property crimes;
§ 3714. Grant program for State and local domestic preparedness support

(a) In general
The Office for Domestic Preparedness of the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, to enhance the capability of State and local jurisdictions to prepare for and respond to terrorist acts including events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices.

(b) Use of grant amounts
Grants under this section may be used to purchase needed equipment and to provide training and technical assistance to State and local first responders. In addition, grants under this section may be used to construct, develop, expand, modify, operate, or improve facilities to provide training or assistance to State and local first responders.

(c) Authorization of appropriations

(1) In general
There is authorized to be appropriated to carry out this section such sums as necessary for each of fiscal years 2002 through 2007.

(2) Limitations
Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) Minimum amount
Each State shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated not less than 0.25 percent.


CODIFICATION
Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

AMENDMENTS
2002—Subsec. (a). Pub. L. 107–273, § 11003(a)(1), which directed amendment of subsec. (a) by substituting “Office for Domestic Preparedness” for “Office of State and Local Domestic Preparedness Support”, was executed by making the substitution for “Office for State and Local Domestic Preparedness Support” to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 107–273, § 11003(b), inserted at end “In addition, grants under this section may be used to construct, develop, expand, modify, operate, or improve facilities to provide training or assistance to State and local first responders.”

Subsec. (c)(3). Pub. L. 107–273, § 11003(a)(2), inserted “not less than” before “0.25 percent”.

TRANSFER OF FUNCTIONS
For transfer of functions, personnel, assets, and liabilities of the Office for Domestic Preparedness of the Office of Justice Programs, including the functions of the Attorney General relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(5), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 3714a. Grants to States for threat assessment databases

(a) In general
The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) Database
For purposes of subsection (a), a threat assessment database is a database through which a State can—
(1) analyze trends and patterns in domestic terrorism and crime; and
(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) Core elements

The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.


CODIFICATION

Section was enacted as part of the Court Security Improvement Act of 2007, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

§3715. Office of Justice Programs grants, cooperative agreements, and contracts

Notwithstanding any other provision of law, during any fiscal year the Attorney General—

(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office (including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351);¹ and

(2) shall have final authority over all functions, including any grants, cooperative agreements, and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office (including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351).²


REFERENCES IN TEXT

Public Law 90–351, referred to in pars. (1) and (2), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197, as amended, known as the Omnibus Crime Control and Safe Streets Act of 1968. Title 1 of Public Law 90–351 probably means title I of the Act which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Table.

CODIFICATION

Section was enacted as part of the Department of Justice Appropriations Act, 1999, and also as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

¹ See References in Text note below.


2001—Par. (1). Pub. L. 107–56, §614(1), inserted “(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)” after “that Office”.

Par. (2). Pub. L. 107–56, §614, inserted “functions, including any” after “all” and “(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)” after “that Office”.

OFFICE OF JUSTICE PROGRAMS GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS


(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office (including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351) [see References in Text note above]; and

(2) shall have final authority over all functions, including any grants, cooperative agreements and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office (including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351) [see References in Text note above], except for grants made under the provisions of sections 201, 202, 301, and 302 of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3721, 3722, 3731, 3732], as amended, and sections 234(b)(3), 241(e)(1), 243(a)(1), 243(a)(14) and 287A(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5614(b)(3) and former 42 U.S.C. 5651(e)(1), 5653(a)(1), (14), 5667d–1(3)], as amended.”


§3715a. Consolidation of financial management systems of Office of Justice Programs

(a) Consolidation of accounting activities and procurement activities

The Assistant Attorney General of the Office of Justice Programs, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and
(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) Further consolidation of procurement activities

The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2006—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) Consolidation of financial management systems

The Assistant Attorney General, in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice, shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) Achieving compliance

(1) Schedule

The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) Specific requirements

With respect to achieving compliance with the requirements of—

(A) subsection (a) of this section, the consolidation of operations shall be initiated not later than 90 days after January 5, 2006; and

(B) subsections (b) and (c) of this section, the consolidation of operations shall be initiated not later than September 30, 2006, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.


Codification

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

§ 3716. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials

(a) Assistance other than financial assistance

(1) In general

At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) Priority

In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) Grants

(1) In general

The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) Office of Justice Programs

In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) Application

(A) In general

Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and
(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) Deadline

An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) Grant amount

A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) Report

Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010, 2011, and 2012.


CODIFICATION

Section was enacted as part of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and also as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

DEFINITIONS

Pub. L. 111–84, div. E, §4703(b), Oct. 28, 2009, 123 Stat. 2636, provided that: “In this division [enacting this section and section 3716a of this title and sections 249 and 1389 of Title 18, Crimes and Criminal Procedure, amending section 249 of Title 18, enacting provisions set out as notes under sections 1 and 249 of Title 18, and amending provisions set out as a note under section 534 and provisions listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure]

“(1) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18, United States Code;

“(2) the term ‘hate crime’ has the meaning given that term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2078), as amended by this Act [enacting provisions listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure];

“(3) the term ‘local’ means a county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

“(4) the term ‘State’ includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.’

§ 3721a. Grant program

(a) Authority to award grants

The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.


CODIFICATION

Section was enacted as part of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and also as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

DEFINITIONS

For definitions of terms used in this section, see section 4703(b) of Pub. L. 111–84, set out as a note under section 3716 of this title.

SUBCHAPTER II—NATIONAL INSTITUTE OF JUSTICE

§ 3721. Statement of purpose

It is the purpose of this subchapter to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

(1) improving Federal, State, and local criminal justice systems and related aspects of the civil justice system;

(2) preventing and reducing crimes;

(3) insuring citizen access to appropriate dispute-resolution forums; and

(4) identifying programs of proven effectiveness, programs having a record of proven success, or programs which offer a high probability of improving the functioning of the criminal justice system.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to Federal, State, and local governments, to evaluate the effectiveness of programs funded under this chapter, to develop and demonstrate new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this chapter which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this subchapter, the Institute shall give primary emphasis to the problems of State and local justice systems and shall insure that there is a balance between basic and applied research.


REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 90–351, as added
by Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1167, which
is classified principally to this chapter. For complete
classification of title I to the Code, see Tables.

PRIOR PROVISIONS
A prior section 3721, Pub. L. 90–351, title I, §201, June 19,
Stat. 5; Pub. L. 94–553, title I, §104, Oct. 15, 1976, 90
Stat. 2408, set out Congressional statement of purpose
in providing for a program of planning grants, prior to
the general amendment of this chapter by Pub. L. 96–157.

AMENDMENTS
out former par. (4) relating to improvement of efforts
to detect, investigate, prosecute, and otherwise combat
and prevent white-collar crime and public corruption,
and in closing provisions struck out "to develop alter-
aratives to judicial resolution of disputes," after "local
governments," and inserted "and demonstrate" after
"to develop".

EFFECTIVE DATE OF 1984 AMENDMENT
Amendment by Pub. L. 98–473 effective Oct. 12, 1984,
see section 609A(a) of Pub. L. 98–473, set out as an Ef-
tective Date note under section 3711 of this title.

NATIONAL TRAINING PROGRAM FOR STATE AND LOCAL
PROSECUTORS
that:
"SEC. 1. TRAINING FOR STATE AND LOCAL
PROSECUTORS.
"The Attorney General is authorized to award a
grant to a national nonprofit organization (such as the
National District Attorneys Association) to conduct a
national training program for State and local prosecu-
tors for the purpose of improving the professional skills
of State and local prosecutors and enhancing the abil-
ity of Federal, State, and local prosecutors to work to-
gether.
"SEC. 2. COMPREHENSIVE CONTINUING LEGAL
EDUCATION.
"The Attorney General may provide assistance to the
grantee under section 1 to carry out the training pro-
gram described in such section, including comprehen-
sive continuing legal education in the areas of trial
practice, substantive legal updates, support staff train-
ing, and any other assistance the Attorney General
determines to be appropriate.
"SEC. 3. AUTHORIZATION OF APPROPRIATIONS.
"There are authorized to be appropriated to the At-
orney General to carry out this Act $4,750,000 for each
of the fiscal years 2009 through 2012, to remain avail-
able until expended.

ASSESSING AND REDUCING THREAT TO LAW ENFORCE-
MENT OFFICERS FROM CRIMINAL USE OF FIREARMS
AND AMMUNITION
1311, provided that:
"(a) The Secretary of the Treasury, in conjunction
with the Attorney General, shall conduct a study and
make recommendations concerning—
"(1) the extent and nature of the deaths and serious
injuries, in the line of duty during the last decade, for
law enforcement officers, including—
"(A) those officers who were feloniously killed or
seriously injured and those that died or were seri-
ously injured as a result of accidents or other non-
 felonious causes;
"(B) those officers feloniously killed or seriously
injured with firearms, those killed or seriously in-
jured with, separately, handgun firing handgun
caliber ammunition, handguns firing rifle caliber
ammunition, rifles firing rifle caliber ammunition,
SEC. 3404. DUTIES.

(a) In General.—The Commission shall study and include in the report made under section 3407 recommendations for changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) EMPLOYMENT.—The conditions of law enforcement employment.

(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) RECRUITING AND TRAINING.—The status of law enforcement research and education and training.

(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

(b) In General.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of service on the Commission.

(1) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(2) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(3) THE CONDITIONS OF LAW ENFORCEMENT.—The conditions of law enforcement employment, including court schedules and prison overcrowding.

(4) THE EFFECTIVENESS OF INFORMATION-SHARING SYSTEMS, INTELLIGENCE, INFRASTRUCTURE, AND PROCEDURES AMONG LAW ENFORCEMENT AGENCIES OF FEDERAL, STATE, AND LOCAL GOVERNMENTS.

(5) THE STATUS OF LAW ENFORCEMENT RESEARCH AND EDUCATION AND TRAINING.

(6) THE ADEQUACY OF EQUIPMENT, PHYSICAL RESOURCES, AND HUMAN RESOURCES.

(7) THE COOPERATION AMONG FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AGENCIES.

SEC. 3405. EXPERTS AND CONSULTANTS.

(a) In General.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this title.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

SEC. 3406. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for purposes of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 3407. REPORT.

Not later than the expiration of the 18-month period beginning on the date of the enactment of this title (Nov. 29, 1990), the Commission shall submit to the Congress a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate.

SEC. 3408. TERMINATION.

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 3407.
§ 3722. National Institute of Justice

(a) Establishment; general authority of Attorney General over Institute

There is established within the Department of Justice, under the general authority of the Attorney General, a National Institute of Justice (hereinafter referred to in this subchapter as the "Institute").

(b) Director of Institute; appointment by President; authority; restrictions

The Institute shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in justice research. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall have final authority over all grants, cooperative agreements, and contracts awarded by the Institute. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangement under this chapter.

(c) Duties and functions

The Institute is authorized to—

1. make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstrations, or special projects pertaining to the purposes described in this subchapter, and provide technical assistance and training in support of tests, demonstrations, and special projects;
2. conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—
   (A) to identify alternative programs for achieving system goals;
   (B) to provide more accurate information on the causes and correlates of crime;
(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

(D) to improve the functioning of the criminal justice system;

(E) to develop new methods for the prevention and reduction of crime, including the development of programs to facilitate cooperation among the States and units of local government, the detection and apprehension of criminals, the expeditious, efficient, and fair disposition of criminal and juvenile delinquency cases, the improvement of police and minority relations, the conduct of research into the problems of victims and witnesses of crime, the feasibility and consequences of allowing victims to participate in criminal justice decisionmaking, the feasibility and desirability of adopting procedures and programs which increase the victim’s participation in the criminal justice process, the reduction in the need to seek court resolution of civil disputes, and the development of adequate corrections facilities and effective programs of correction; and

(F) to develop programs and projects to improve and expand the capacity of States and units of local government and combinations of such units, to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, to improve and expand cooperation among the Federal Government, States, and units of local government in order to enhance the overall criminal justice system response to white-collar crime and public corruption, and to foster the creation and implementation of a comprehensive national strategy to prevent and combat white-collar crime and public corruption.

In carrying out the provisions of this subsection, the Institute may request the assistance of both public and private research agencies;

(3) evaluate the effectiveness, including cost effectiveness where practical, of projects or programs carried out under this chapter;

(4) make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen criminal and civil justice systems;

(5) provide research fellowships and clinical internships and carry out programs of training and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects including those authorized by this subchapter;

(6) collect and disseminate information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, and private organizations relating to the purposes of this subchapter;

(7) serve as a national and international clearinghouse for the exchange of information with respect to the purposes of this subchapter;

(8) after consultation with appropriate agencies and officials of States and units of local government, make recommendations for the designation of programs or projects which will be effective in improving the functioning of the criminal justice system, for funding as discretionary grants under subchapter V of this chapter;

(9) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the development, maintenance, and coordination of criminal and civil justice programs and services; and

(10) research and development of tools and technologies relating to prevention, detection, investigation, and prosecution of crime; and

(11) support research, development, testing, training, and evaluation of tools and technology for Federal, State, and local law enforcement agencies.

(d) Criminal and civil justice research

To insure that all criminal and civil justice research is carried out in a coordinated manner, the Director is authorized to—

(1) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(2) confer with and avail itself of the cooperation, services, records, and facilities of State or of municipal or other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this section, and the agencies shall provide such information to the Institute as required to carry out the purposes of this subchapter;

(4) seek the cooperation of the judicial branches of Federal and State Government in coordinating civil and criminal justice research and development; and

(5) exercise the powers and functions set out in subchapter VIII of this chapter.


PRIOR PROVISIONS


AMENDMENTS


Subsec. (c)(3), Pub. L. 98–473, §604(b)(2)(B), substituted “chapter” for “subchapter”.

Subsec. (c)(4) to (7), Pub. L. 98–473, §604(b)(2)(C), (F), redesignated pars. (5) to (8) as (4) to (7), respectively, and struck out former par. (4) relating to evaluation of programs and projects under other subchapters of this chapter to determine their impact upon criminal and civil justice systems and achievement of purposes and policies of this chapter and for dissemination of information.

Subsec. (c)(8), Pub. L. 98–473, §604(b)(2)(D)(1), (11), (F), redesignated par. (10) as (8) and, in par. (8) as so redesignated, struck out “nationality priority grants under ‘subchapter VI of this chapter’”. Former par. (8) redesignated (7).

Par. (9), struck out “(including the testing of hair) that may be used as alternatives or complements to urinalysis as a means of detecting the use of such drugs.”

“(b) REPORT.—Not later than 2 years after the date of enactment of this Act (Nov. 2, 2002), the Institute shall submit to Congress a report on the results of the study conducted under subsection (a).”

**ANTI-STALKING LEGISLATION EVALUATION, MODEL DEVELOPMENT, DISSEMINATION AND REPORT**

Pub. L. 102–385, title I, §106(b), Oct. 6, 1992, 106 Stat. 1842, directed Attorney General, acting through Director of National Institute of Justice, to evaluate existing and proposed anti-stalking legislation in the States, develop model anti-stalking legislation that is constitutional and enforceable, prepare and disseminate to State authorities the findings made as a result of such evaluation, and report to Congress the findings and the need or appropriateness of further action by the Federal Government by Sept. 30, 1993.

**§ 3723. Authority for 100 per centum grants**

A grant authorized under this subchapter may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this subchapter, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.


**PRIOR PROVISIONS**


Section, Pub. L. 90–351, title I, §204, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1174, provided for a National Institute of Justice Advisory Board, including the establishment and composition of the Board, rules respecting organization and procedure, term of office, duties of the Board, and delegation of powers and duties to the Director.

Prior sections 3724 to 3726 were omitted in the general revision of this chapter by Pub. L. 96–157.

**§ 3725. Use of funds**


**PROVISIONS OF REPEAL**

Repeal effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

**SUBCHAPTER III—BUREAU OF JUSTICE STATISTICS**

**§ 3731. Statement of purpose**

It is the purpose of this subchapter to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this subchapter, the Bureau shall give primary emphasis to the problems of State and local justice systems.


**PRIOR PROVISIONS**

1976, 90 Stat. 2411, 2424, related to purposes and categories of grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96–137.

**AMENDMENTS**

1984—Pub. L. 98–473 struck out “(including white-collar crime and public corruption)” after “information concerning crime” and “(including crimes against the elderly, white-collar crime, and public corruption)” after “levels of crime”.

**EFFECTIVE DATE OF 1984 AMENDMENT**

Amendment by Pub. L. 98–473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

§ 3732. Bureau of Justice Statistics

(a) Establishment

There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter as “Bureau”).

(b) Appointment of Director; experience; authority; restrictions

The Bureau shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau

The Bureau is authorized to—

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter; grants shall be subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

(3) collect and analyze data that will serve as a continuous and comparable national social- statistical indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, tribal, and local justice policy and decisionmaking;

(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, tribal, and local levels;

(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, tribal, and local levels;

(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, tribal, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, tribal, and local levels;

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States and in Indian country;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter;

(9) maintain liaison with the judicial branches of the Federal Government and State and tribal governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State, tribal, and local governments, and the general public on justice statistics;

(11) establish or assist in the establishment of a system to provide State, tribal, and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

(13) provide for the development of justice information systems programs and assistance to the States, Indian tribes, and units of local government relating to collection, analysis, or dissemination of justice statistics;

(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a compre-
(d) Justice statistical collection, analysis, and dissemination

(1) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State, tribal, and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti-drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, tribal, and local criminal justice agencies on their drug enforcement activities;

(18) provide for the development and enhancement of State, tribal, and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State and tribal criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State and tribal participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;

(20) maintain liaison with State, tribal, and local governments and governments of other nations concerning justice statistics;

(21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(22) ensure conformance with security and privacy requirement of section 3789g of this title and identify, analyze, and participate in the development and enhancement of national systems of criminal history and related records in conformity with all laws and regulations applicable to the disclosure and use of data.

(2) Consultation with Indian tribes

The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.

(e) Furnishing of information, data, or reports by Federal agencies

Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(1)(C) of this section shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State, tribal, and local government and judiciary

In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State, tribal, and local government, including, where appropriate, representatives of the judiciary.

(g) Reports

Not later than 1 year after July 29, 2010, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.

References to this Act and to the Code, see Short Title note set out under section 3711 of this title and Tables.
Subsec. (c)(16). Pub. L. 98–473, §605(b)(2)(A), (B), redesignated par. (14) as (16) and struck out former par. (16) relating to insure conformance with security and privacy regulations issued under section 3789g of this title.


Subsec. (d)(1). Pub. L. 98–473, §605(b)(3)(A), inserted ‘‘and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis’’.


EFFECTIVE DATE OF 1984 AMENDMENT
Amendment by Pub. L. 98–473 effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

CONSTRUCTION OF 2010 AMENDMENT
Pub. L. 111–211, title II, §251(c), July 29, 2010, 124 Stat. 2298, provided that: ‘‘Nothing in this section [amending this section and provisions set out as a note under section 354 of Title 28, Judiciary and Judicial Procedure] or any amendment made by this section—

‘‘(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

‘‘(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.’’

[For definition of ‘‘Indian tribe’’ as used in section 251(c) of Pub. L. 111–211, set out above, see section 203(a) of Pub. L. 111–211, set out as a note under section 2801 of Title 25, Indians.]

STUDY OF CRIMES AGAINST SENIORS

‘‘(a) IN GENERAL.—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

‘‘(b) ISSUES ADDRESSED.—The study conducted under this section shall include an analysis of—

‘‘(1) the nature and type of crimes perpetrated against seniors, with special focus on—

‘‘(A) the most common types of crimes that affect seniors;

‘‘(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors; and

‘‘(C) the nature and extent of financial and material fraud targeted at seniors;

‘‘(2) the risk factors associated with seniors who have been victimized;

‘‘(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

‘‘(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

‘‘(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

‘‘(6) other effective ways to prevent or reduce the occurrence of crimes against seniors.’’

INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY
Pub. L. 106–534, §6, Nov. 22, 2000, 114 Stat. 2557, provided that: ‘‘Beginning not later than 2 years after the date of enactment of this Act [Nov. 22, 2000], as part of..."
each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

(1) crimes targeting or disproportionately affecting seniors;

(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status.

CRIME VICTIMS WITH DISABILITIES AWARENESS


SECTION 1. SHORT TITLE.

This Act may be cited as the ‘Crime Victims With Disabilities Awareness Act’.

SECTION 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) although research conducted abroad demonstrates that individuals with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities, there have been no significant studies on this subject conducted in the United States;

(2) in fact, the National Crime Victim’s Survey, conducted annually by the Bureau of Justice Statistics of the Department of Justice, does not specifically collect data relating to crimes against individuals with developmental disabilities;

(3) studies in Canada, Australia, and Great Britain consistently show that victims with developmental disabilities suffer repeated victimization because so few of the crimes against them are reported, and even when they are, there is sometimes a reluctance by police, prosecutors, and judges to rely on the testimony of a disabled individual, making individuals with developmental disabilities a target for criminal predators;

(4) research in the United States needs to be done to—

(A) understand the nature and extent of crimes against individuals with developmental disabilities;

(B) describe the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

(C) identify programs, policies, or laws that hold promise for making the justice system more responsive to crimes against individuals with developmental disabilities; and

(5) the National Academy of Science Committee on Law and Justice of the National Research Council is a premier research institution with unique expertise in developing seminal, multidisciplinary studies to establish a strong research base from which to make public policy.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase public awareness of the plight of victims of crime who are individuals with developmental disabilities;

(2) to collect data to measure the extent of the problem of crimes against individuals with developmental disabilities; and

(3) to develop a basis to find new strategies to address the safety and justice needs of victims of crime who are individuals with developmental disabilities.

SEC. 3. DEFINITION OF DEVELOPMENTAL DISABILITY.

In this Act, the term ‘developmental disability’ has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1990 (42 U.S.C. 1591).

SEC. 4. STUDY.

(a) IN GENERAL.—The Attorney General shall conduct a study to increase knowledge and information about crimes against individuals with developmental disabilities that will be useful in developing new strategies to reduce the incidence of crimes against those individuals.

(b) ISSUES ADDRESSED.—The study conducted under this section shall address such issues as—

(1) the nature and extent of crimes against individuals with developmental disabilities;

(2) the risks associated with victimization of individuals with developmental disabilities;

(3) the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

(4) the means by which States may establish and maintain a centralized computer database on the incidence of crimes against individuals with disabilities within a State.

(c) NATIONAL ACADEMY OF SCIENCES.—In carrying out this section, the Attorney General shall consider contracting with the Committee on Law and Justice of the National Research Council of the National Academy of Sciences to provide research for the study conducted under this section.

(d) REPORT.—Not later than 18 months after the date of enactment of this Act (Oct. 27, 1998), the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing the results of the study conducted under this section.

SECTION 5. NATIONAL CRIME VICTIM’S SURVEY.

Not later than 2 years after the date of enactment of this Act, as part of each National Crime Victim’s Survey, the Attorney General shall include statistics relating to—

(1) the nature of crimes against individuals with developmental disabilities; and

(2) the specific characteristics of the victims of those crimes.

§ 3733. Authority for 100 per centum grants

A grant authorized under this subchapter may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this subchapter, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.


PRIOR PROVISIONS


Section, Pub. L. 90–351, title I, §304, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1178, provided for a Bureau of Justice Statistics Advisory Board, including establishment and composition of Board, rules respecting organization and procedure, term of office, duties and functions of Board, and delegation of powers and duties to Director.

§ 3735. Use of data

Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a private person or public agency other than statistical or research purposes.

Prior provisions

A prior section 304 of Pub. L. 90–351, as added by Pub. L. 96–157, was classified to section 3741 of this chapter prior to repeal by Pub. L. 98–473, title II, §605(c), Oct. 12, 1984, 98 Stat. 2080; related to allocation of funds.

Prior provisions

A prior section 304 of Pub. L. 90–351, as added by Pub. L. 96–157, was classified to section 3741 of this chapter prior to repeal by Pub. L. 98–473, title II, §605(c), Oct. 12, 1984, 98 Stat. 2080; related to allocation of funds.

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Prior provisions

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Prior provisions

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§ 3741. Establishment of Bureau of Justice Assistance

(a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Assistance (hereafter in this subchapter referred to as the “Bureau”).

(b) The Bureau shall be headed by a Director (hereafter in this subchapter referred to as the “Director”) who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this chapter.

Prior Provisions

For prior sections 401 of Pub. L. 90–935 and prior sections 3741 of this title, see note set out preceding this section.

Transferred of Functions

Pub. L. 106–113, div. B, §100(a)(1) [title I, §108(b)], Nov. 29, 1999, 113 Stat. 1355, 1501A–20, provided that: ‘‘Notwithstanding any other provision of law, effective August 1, 2000, all functions of the Director of the Bureau of Justice Assistance, other than those enumerated in the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. 3742(3) through (6), are transferred to the Assistant Attorney General for the Office of Justice Programs.”

§ 3742. Duties and functions of Director

The Director shall have the following duties:

(1) Providing funds to eligible States, units of local government, and nonprofit organizations pursuant to subchapters V and XII–B of this chapter.

(2) Establishing programs in accordance with part B of subchapter V of this chapter and, following public announcement of such programs, awarding and allocating funds and technical assistance in accordance with the criteria of part B of subchapter V of this chapter, and on terms and conditions determined by the Director to be consistent with part B of subchapter V of this chapter.

(3) Cooperating with and providing technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities.

(4) Providing for the development of technical assistance and training programs for State and local criminal justice agencies and fostering local participation in such activities.

(5) Encouraging the targeting of State and local resources on efforts to reduce the incidence of drug abuse and crime and on programs relating to the apprehension and prosecution of drug offenders.

(6) Establishing and carrying on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination concerning decisions made by the Bureau affecting State and local drug control and criminal justice priorities.

(7) Preparing recommendations on the State and local drug enforcement component of the National Drug Control Strategy which shall be submitted to the Associate Director of the Office on National Drug Control Policy. In making such recommendations, the Director shall review the statewide strategies submitted by such States under subchapter V of this chapter, and shall obtain input from State and local drug enforcement officials. The recommendations made under this paragraph shall be provided at such time and in such form as the Director of National Drug Control Policy shall require.

(8) Exercising such other powers and functions as may be vested in the Director pursuant to this chapter or by delegation of the Attorney General or Assistant Attorney General.

Prior Provisions

For prior sections 402 of Pub. L. 90–351 and prior sections 3742 of this title, see note set out preceding section 3741 of this title.

Amendments


Transfer of Functions

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in pars. (3) to (6) of this section, transferred to As-
§ 3743. Grants for young witness assistance

(a) In general

The Director of the Bureau of Justice Assistance of the Office of Justice Programs may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) Use of funds

Grants made available under this section may be used—

1. to assess the needs of juvenile and young adult witnesses;
2. to develop appropriate program goals and objectives; and
3. to develop and administer a variety of witness assistance services, which includes—
   (A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;
   (B) pre- and post-trial assistance for the youth and their family;
   (C) providing education services if the child is removed from or changes their school for safety concerns;
   (D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and
   (E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) Definitions

In this section:

1. The term “juvenile” means an individual who is age 17 or younger.
2. The term “young adult” means an individual who is age 21 or younger but not a juvenile.
3. The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.


Codification

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

Prior Provisions

For prior sections 3743 of this title, see note set out preceding section 3741 of this title.

Amendments

2006—Subsec. (a). Pub. L. 109–271 substituted “The Director of the Bureau of Justice Assistance of the Office of Justice Programs may” for “The Attorney General, acting through the Bureau of Justice Assistance, may”.

SUBCHAPTER V—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

Prior Provisions

A prior subchapter V, consisting of sections 3761 to 3766, related to discretionary grants, prior to repeal by Pub. L. 100–690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4520.


Section 3753, Pub. L. 90–931, title I, § 503, as added Pub. L. 96–157, § 2, Dec. 27, 1979, 93 Stat. 1192, prescribed application requirements, including contents of applications, certifications, review by State criminal justice councils, and private nonprofit organizations.

Section 3755, Pub. L. 90–931, title I, § 505, as added Pub. L. 96–157, § 2, Dec. 27, 1979, 93 Stat. 1194, set out criteria for award of national priority grants, including establishment of reasonable requirements, maximum per centum of grant funds, funds reserved or set aside but not used in the fiscal year, and three-year period for financial aid and assistance and extension or renewal of period.

Another prior subchapter V, consisting of sections 3751 to 3774, related to administrative provisions, prior to the general amendment of this chapter by Pub. L. 96–157.

related to administrative rules, regulations, and procedures.


§ 3750. Name of program

(a) In general

The grant program established under this part shall be known as the “Edward Byrne Memorial Justice Assistance Grant Program”.

(b) References to former programs

(1) Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a) of this section.

(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 3756 of this title as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 3755(a) of this title as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.


Section 3795, Pub. L. 109–162, title I, § 130, Jan. 5, 2006, 119 Stat. 3102, provided that: “The amendments made by this section [enacting sections 3751 to 3758 of this title, amending this section and sections 3753, 3754, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3766, 3767, 3768, 3769, 3770, 3771, 3772, 3773, 3774, 3775, 3776, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3788, 3789, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter.”

§ 3751. Description

(a) Grants authorized

(1) In general

From amounts made available to carry out this part, the Attorney General may, in accordance with the formula established under section 3755 of this title, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs: (A) Law enforcement programs. (B) Prosecution and court programs. (C) Prevention and education programs. (D) Corrections and community corrections programs. (E) Drug treatment and enforcement programs. (F) Planning, evaluation, and technology improvement programs. (G) Crime victim and witness programs (other than compensation).

(2) Rule of construction

Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was au-
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Authorized to be used under either or both of the programs specified in section 3750(b) of this title, as those programs were in effect immediately before January 5, 2006.

(b) Contracts and subawards
A State or unit of local government may, in using a grant under this part for purposes authorized by subsection (a) of this section, use all or a portion of that grant to contract with or make one or more subawards to one or more—
(1) neighborhood or community-based organizations that are private and nonprofit; or
(2) units of local government.

(c) Program assessment component; waiver
(1) Each program funded under this part shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.
(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) Prohibited uses
Notwithstanding any other provision of this Act, no funds provided under this part may be used, directly or indirectly, to provide any of the following matters:
(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety;
(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—
(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);
(B) luxury items;
(C) real estate;
(D) construction projects (other than penal or correctional institutions); or
(E) any similar matters.

(e) Administrative costs
Not more than 10 percent of a grant made under this part may be used for costs incurred to administer such grant.

(f) Period
The period of a grant made under this part shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

(g) Rule of construction
Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this part to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—
(A) the application (or amendment) was made public; and
(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—
(A) the programs to be funded by the grant meet all the requirements of this part;
(B) all the information contained in the application is correct; and
(C) there has been appropriate coordination with affected agencies; and...
§ 3753. Review of applications

The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this part without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.


Prior Provisions
For prior sections 503 of Pub. L. 90–351 and prior sections 3753 of this title, see notes set out preceding section 3750 of this title.

Effective Date
Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 3750 of this title.

§ 3754. Rules

The Attorney General shall issue rules to carry out this part. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this part.


Prior Provisions
For prior sections 504 of Pub. L. 90–351 and prior sections 3754 of this title, see notes set out preceding section 3750 of this title.

Effective Date
Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 3750 of this title.

§ 3755. Formula

(a) Allocation among States

(1) In general

Of the total amount appropriated for this part, the Attorney General shall, except as provided in paragraph (2), allocate—

(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

(i) the total population of a State to—

(ii) the total population of the United States; and

(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

(ii) the average annual number of such crimes reported by all States for such years.

(2) Minimum allocation

If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a “minimum allocation State”), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

(A) allocate 0.25 percent of the total amount to each State; and

(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

(b) Allocation between States and units of local government

Of the amounts allocated under subsection (a) of this section—

(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c) of this section; and

(2) 40 percent shall be for grants to be allocated under subsection (d) of this section.

(c) Allocation for State governments

(1) In general

Of the amounts allocated under subsection (b)(1) of this section, each State may retain for the purposes described in section 3751 of this title an amount that bears the same ratio of—

(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

(2) Remaining amounts

Except as provided in subsection (e)(1) of this section, any amounts remaining after the
allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 3751 of this title.

(d) Allocations to local governments

(1) In general

Of the amounts allocated under subsection (b)(2) of this section, grants for the purposes described in section 3751 of this title shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e) of this section.

(2) Allocation

(A) In general

From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the "local amount"), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

(B) Transitional rule

Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before January 5, 2006, the reserved amount was allocated among reporting and nonreporting units of local government.

(3) Annexed units

If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

(4) Resolution of disparate allocations

(A) Notwithstanding any other provision of this part, if—

(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

(ii) but for this paragraph, the amount of funds allocated under this section to—

(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed among the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

(B) In this paragraph, the term "geographically constituent unit of local government" means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

(e) Limitation on allocations to units of local government

(1) Maximum allocation

No unit of local government shall receive a total allocation under this section that exceeds such unit’s total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

(2) Allocations under $10,000

If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) of this section shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 3751 of this title) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

(3) Non-reporting units

No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

(f) Funds not used by the State

If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this part, or that a State chooses not to participate in the program established under this part, then
such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

(g) Special rules for Puerto Rico

(1) All funds set aside for Commonwealth government

Notwithstanding any other provision of this part, the amounts allocated under subsection (a) of this section to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

(2) No local allocations

Subsections (c) and (d) of this section shall not apply to Puerto Rico.

(h) Units of local government in Louisiana

In carrying out this section with respect to the State of Louisiana, the term “unit of local government” means a district attorney or a parish sheriff.


PRIOR PROVISIONS

For prior sections 505 of Pub. L. 90–351 and prior sections 3755 of this title, see notes set out preceding section 3750 of this title.

§ 3756. Reserved funds

(a) Of the total amount made available to carry out this part for a fiscal year, the Attorney General shall reserve not more than—

(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this part; and

(2) $30,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

(b) Of the total amount made available to carry out this part for a fiscal year, the Attorney General may reserve not more than 5 percent, to be granted to 1 or more States or units of local government, for 1 or more of the purposes specified in section 3751 of this title, pursuant to his determination that the same is necessary—

(1) to combat, address, or otherwise respond to precipitous or extraordinary increases in crime, or in a type or types of crime; or

(2) to prevent, compensate for, or mitigate significant programmatic harm resulting from operation of the formula established under section 3755 of this title.


PRIOR PROVISIONS

For prior sections 506 of Pub. L. 90–351 and prior sections 3756 of this title, see notes set out preceding section 3750 of this title.

EFFECTIVE DATE

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 3750 of this title.

§ 3757. Interest-bearing trust funds

(a) Trust fund required

A State or unit of local government shall establish a trust fund in which to deposit amounts received under this part.

(b) Expenditures

(1) In general

Each amount received under this part (including interest on such amount) shall be expended before the date on which the grant period expires.

(2) Repayment

A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

(3) Reduction of future amounts

If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

(c) Repaid amounts

Amounts received as repayments under this section shall be subject to section 3712g of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this part. Such funds are hereby made available to carry out this part.


PRIOR PROVISIONS

For prior sections 507 of Pub. L. 90–351 and prior sections 3757 of this title, see notes set out preceding section 3750 of this title.

EFFECTIVE DATE

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 3750 of this title.
§ 3758. Authorization of appropriations

There is authorized to be appropriated to carry out this part $1,095,000,000 for each of the fiscal years 2006 through 2012.


Prior Provisions

For prior sections 508 of Pub. L. 90–351 and prior sections 3758 and 3759 of this title, see notes set out preceding section 3750 of this title.

Amendments

2006—Pub. L. 110–19–294 substituted “for each of the fiscal years 2006 through 2012” for “for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009”.

Effective Date

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 3756 of this title.

PART B—DISCRETIONARY GRANTS

SUBPART 1—GRANTS TO PUBLIC AND PRIVATE ENTITIES


Section 3762. Pub. L. 90–351, title I, § 512, as added Pub. L. 109–600, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4336, related to limitation on use of discretionary grant funds.

Prior Provisions

For prior sections 510 to 512 of Pub. L. 90–351 and prior sections 3760 to 3762 of this title, see notes set out preceding section 3750 of this title.

Effective Date of Repeal

Repeal applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note set out under section 3750 of this title.

SUBPART 2—GRANTS TO PUBLIC AGENCIES

§ 3762a. Correctional options grants

(a) Authority to make grants

The Director, in consultation with the Director of the National Institute of Corrections, may make—

(1) 4 grants in each fiscal year, in various geographical areas throughout the United States, to public agencies for correctional options (including the cost of construction) that provide alternatives to traditional modes of incarceration and offender release programs—

(A) to provide more appropriate intervention for youthful offenders who are not career criminals, but who, without such intervention, are likely to become career criminals or more serious offenders;

(B) to provide a degree of security and discipline appropriate for the offender involved;

(C) to provide diagnosis, and treatment and services (including counseling, substance abuse treatment, education, job training and placement assistance while under correctional supervision, and linkage to similar outside services), to increase the success rate of offenders who decide to pursue a course of lawful and productive conduct after release from legal restraint;

(D) to reduce criminal recidivism by offenders who receive punishment through such alternatives;

(E) to reduce the cost of correctional services and facilities by reducing criminal recidivism; and

(F) to provide work that promotes development of industrial and service skills in connection with a correctional option;

(2) grants to private nonprofit organizations—

(A) for any of the purposes specified in subparagraphs (A) through (F) of paragraph (1);

(B) to undertake educational and training programs for criminal justice personnel;

(C) to provide technical assistance to States and local units of government; and

(D) to carry out demonstration projects which, in view of previous research or experience, are likely to be a success in more than one jurisdiction;

in connection with a correctional option (excluding the cost of construction);

(3) grants to public agencies to establish, operate, and support boot camp prisons; and

(4) grants to State courts to improve security for State and local court systems.

(b) Selection of grantees

The selection of applicants to receive grants under paragraphs (1) and (2) of subsection (a) of this section shall be based on their potential for developing or testing various innovative alternatives to traditional modes of incarceration and offender release programs. In selecting the applicants to receive grants under subsection (a)(3) of this section, the Director shall—

(1) consider the overall quality of an applicant’s shock incarceration program, including the existence of substance abuse treatment, drug testing, counseling literacy education, vocational education, and job training programs during incarceration or after release; and

(2) give priority to public agencies that clearly demonstrate that the capacity of their correctional facilities is inadequate to accommodate the number of individuals who are convicted of offenses punishable by a term of imprisonment exceeding 1 year.
Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.

(c) Consultations

The Director shall consult with the Commission on Alternative Utilization of Military Facilities created by Public Law 100–456 in order to identify military facilities that may be used as sites for correctional programs receiving assistance under this subpart.


§3763. Application requirements

(a) No grant may be made under this part unless an application has been submitted to the Director in which the applicant—

(1) sets forth a program or project which is eligible for funding pursuant to section 3762a of this title;

(2) describes the services to be provided, performance goals, and the manner in which the program is to be carried out;

(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals; and

(4) agrees to conduct such evaluation according to the procedures and terms established by the Bureau.

(b) Each applicant for funds under this part shall certify that its program or project meets all the applicable requirements of this section, that all the applicable information contained in the application is correct, and that the applicant will comply with all the applicable provisions of this part and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Director.

§ 3764. Period of award

The Bureau may provide financial aid and assistance to programs or projects under this part for a period of not to exceed 4 years. Grants made pursuant to this part may be extended or renewed by the Bureau for an additional period of up to 2 years if—

(1) an evaluation of the program or project indicates that it has been effective in achieving the stated goals or offers the potential for improving the functioning of the criminal justice system; and

(2) the applicant that conducts such program or project agrees to provide at least one-half of the total cost of such program or project from any source of funds, including Federal grants, available to the eligible jurisdiction.


Prior Provisions

For prior section 518 of Pub. L. 90–351 and prior sections 3764 and 3765 of this title, see note set out preceding section 3750 of this title.

Amendments

1990—Par. (2). Pub. L. 101–647, § 1801(a)(5), substituted “applicant that conducts such program or project” for “public agency or private nonprofit organization within which the program or project has been conducted”.

Subpart 4—Grants to Private Entities

Codification

Pub. L. 109–248, title VI, § 626, July 27, 2006, 120 Stat. 636, which directed amendment of “subpart 2 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968” by adding chapter 4 at end, was treated as meaning chapter D, which was changed to subpart 4 for purposes of codification, to reflect the probable intent of Congress.

§ 3765. Crime prevention campaign grant

(a) Grant authorization

The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims’ organizations and employers.

(b) Application

To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

(c) Use of funds

An organization that receives a grant under this section shall—

(1) create and promote national public communications campaigns;

(2) develop and distribute publications and other educational materials that promote crime prevention;

(3) design and maintain web sites and related web-based materials and tools;

(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

(7) design, deliver, and assess demonstration programs;

(8) operate McGruff-related programs, including McGruff Club;

(9) operate the Teens, Crime, and Community Program; and

(10) evaluate crime prevention programs and trends.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

(1) for fiscal year 2007, $7,000,000;

(2) for fiscal year 2008, $8,000,000;

(3) for fiscal year 2009, $9,000,000; and

(4) for fiscal year 2010, $10,000,000.


Prior Provisions

For prior section 519 of Pub. L. 90–351 and prior sections 3764 and 3765 of this title, see note set out preceding section 3750 of this title.

Part C—Administrative Provisions

§ 3766. Evaluation

(a) Guidelines and comprehensive evaluations

To increase the efficiency and effectiveness of programs funded under this subchapter, the National Institute of Justice shall—
(1) develop guidelines, in cooperation with the Bureau of Justice Assistance, to assist State and local units of government to conduct program evaluations; and
(2) conduct a reasonable number of comprehensive evaluations of programs funded under section 3755 (formula grants) and section 3762a (discretionary grants) of this title.

(b) Criteria for selecting programs for review
In selecting programs for review, the Director of the National Institute of Justice should consider—
(1) whether the program establishes or demonstrates a new and innovative approach to drug or crime control;
(2) the cost of the program to be evaluated and the number of similar programs funded under section 3755 (formula grants) of this title;
(3) whether the program has a high potential to be replicated in other jurisdictions; and
(4) whether there is substantial public awareness and community involvement in the program. Routine auditing, monitoring, and internal assessment of a State and local drug control program’s progress shall be the sole responsibility of the Bureau of Justice Assistance.

(c) Annual report
The Director of the National Institute of Justice shall annually report to the President, the Attorney General, and the Congress on the nature and findings of the evaluation and research and development activities funded under this section.


PRIOR PROVISIONS
For prior section 520 of Pub. L. 90–351 and prior sections 3766 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS
2006—Subsec. (a)(1). Pub. L. 109–162, § 1111(c)(2)(B)(I), substituted “program evaluations” for “the program evaluations as required by section 3751(c) of this title”.
Subsec. (a)(2). Pub. L. 109–162, § 1111(c)(2)(B)(II), substituted “evaluations of programs funded under section 3755 (formula grants) and section 3762a (discretionary grants) of this title” for “evaluations of programs funded under section 3756 (formula grants) and sections 3761 and 3762a (discretionary grants) of this title”.
Subsec. (b)(2). Pub. L. 109–162, § 1111(c)(2)(B)(III), substituted “programs funded under section 3756 (formula grants) and section 3761 (discretionary grants)” for “programs funded under section 3756 (formula grants) and section 3761 (discretionary grants)”.

EFFECTIVE DATE OF 2006 AMENDMENT
Amendment by Pub. L. 109–162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as a note under section 3750 of this title.

§ 3766b. General provisions

(a) The Bureau shall prepare both a “Program Brief” and “Implementation Guide” document for proven programs and projects to be funded under this subchapter.
(b) The functions, powers, and duties specified in this subchapter to be carried out by the Bureau shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress by law.

(Pub. L. 90–351, title I, § 521, as added Pub. L. 100–690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4337.)

PRIOR PROVISIONS
For prior section 521 of Pub. L. 90–351, see note set out preceding section 3750 of this title.

§ 3766b. Reports

(a) Each State which receives a grant under section 3755 of this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—
(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the purposes of part A of this subchapter;
(2) a summary of the activities carried out in such year with any grant received under part B of this subchapter by such State;
(3) the evaluation result of programs and projects;
(4) an explanation of how the Federal funds provided under this subchapter were coordinated with State agencies receiving Federal funds for drug abuse education, prevention, treatment, and research activities; and
(5) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.
(b) Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—
(1) the aggregate amount of grants made under part A of this subchapter and part B of this subchapter to such State for such fiscal year;
(2) the amount of such grants awarded for each of the purposes specified in part A of this subchapter;
(3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a) of this section;
(4) an explanation of how Federal funds provided under this subchapter have been coordinated with Federal funds provided to States for drug abuse education, prevention, treatment, and research activities; and
(5) evaluation results of programs and projects and State strategy implementation.


PRIOR PROVISIONS
For prior sections 523, 524, and 526 to 528 of Pub. L. 90–351 and prior sections 3767 and 3768 of this title, see note set out preceding section 3750 of this title.
§§ 3769 to 3769d

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–162 substituted “section 3755” for “section 3756” in introductory provisions and “an assessment of the impact of such activities on meeting the purposes of part A of this subchapter” for “an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 3753 of this title” in par. (1).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109–162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as a note under section 3750 of this title.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §106(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

SUBCHAPTER VI—CRIMINAL JUSTICE FACILITY CONSTRUCTION: PILOT PROGRAM


For prior section 3769, see note set out preceding section 3750 of this title.

A prior section 601 of Pub. L. 90–351 was renumbered section 501 and classified to section 3761 of this title. See note set out preceding section 3760 of this title.

Another prior section 601 of Pub. L. 90–351, title I, June 19, 1968, 82 Stat. 209, was classified to section 3781 of this title and defined terms used in this chapter, prior to the general amendment of this chapter by Pub. L. 96–157. See section 3791 of this title.


A prior section 602 of Pub. L. 90–351 was renumbered section 502 and classified to section 3762 of this title. See note set out preceding section 3750 of this title.

Another prior section 602 of Pub. L. 90–351, title I, June 19, 1968, 82 Stat. 209, was classified to section 3782 of this title.

A prior section 602 of Pub. L. 90–351 was renumbered section 503 and classified to section 3763 of this title. See note set out preceding section 3750 of this title.

A prior section 603 of Pub. L. 90–351 was renumbered section 504 and classified to section 3764 of this title. See note set out preceding section 3750 of this title.

A prior section 604 of Pub. L. 90–351 was renumbered section 505 and classified to section 3765 of this title. See note set out preceding section 3750 of this title.

A prior section 605 of Pub. L. 90–351 was renumbered section 506 and classified to section 3766 of this title. See note set out preceding section 3750 of this title.

For prior section 3770, see note set out preceding section 3750 of this title.

SUBCHAPTER VII—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL

§§ 3771. Training and manpower development

(a) Functions, powers, and duties of Director of Federal Bureau of Investigation

The Director of the Federal Bureau of Investigation is authorized to—

(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State, unit of local government, or rail carrier, training for State and local criminal justice personnel, including railroad police officers;

(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

(3) assist in conducting, at the request of a State, unit of local government, or rail carrier, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals.

Training for rural criminal justice personnel shall include, when appropriate, effective use of regional resources and methods to improve coordination among criminal justice personnel in different areas and in different levels of government. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, railroad police officer, and other persons as the State, unit of local government, or rail carrier may nominate for police training while such persons are actually employed as officers of such State, unit of local government, or rail carrier.

(b) General authority of Attorney General over Director

In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

(c) Training programs for State and local personnel at Federal Training Center

Notwithstanding the provisions of subsection (a) of this section, the Secretary of the Treasury is authorized to establish, develop, and conduct training programs at the Federal Law Enforcement Training Center at Glyncos, Georgia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel provided that such training does not interfere with the Center’s mission to train Federal law enforcement personnel.

(d) Rail carrier costs

No Federal funds may be used for any travel, transportation, or subsistence expenses incurred in connection with the participation of a railroad police officer in a training program conducted under subsection (a) of this section.

1 So in original. Probably should be “officers.”.
(e) Definitions

In this section—

1. the terms "rail carrier" and "railroad" have the meanings given such terms in section 20102 of title 49; and

2. the term "railroad police officer" means a peace officer who is commissioned in his or her State or unit of local government or is employed by a rail carrier to enforce State laws for the protection of railroad property, personnel, passengers, or cargo.


PRIORITY PROVISIONS


For another prior section 3771, see note set out preceding section 3750 of this title.


Another prior section 701 of Pub. L. 90–351, title II, June 19, 1968, 82 Stat. 210, is classified to sections 3501 and 3502 of Title 18, Crimes and Criminal Procedure.

Prior sections 3772 to 3775 were omitted in the general revision of this subchapter by section 609A(a) of Pub. L. 98–473.


Section 3773, Pub. L. 90–351, title I, §701, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1198, provided for a program to train State and local criminal justice personnel.

A prior section 703 of Pub. L. 90–351, as added Pub. L. 94–430, §2, Sept. 29, 1976, 90 Stat. 1347, defined the terms used in the provisions for public safety officers' death benefits and was classified to former section 3796b of this title, prior to the general amendment of this chapter by Pub. L. 96–157.


A prior section 704 of Pub. L. 90–351, title I, as added Pub. L. 94–430, §2, Sept. 29, 1976, 90 Stat. 1347, provided for the administration of the program of public safety officers' death benefits and was classified to former section 3796c of this title, prior to the general amendment of this chapter by Pub. L. 96–157.


For other prior sections 3772 to 3774, see note set out preceding section 3750 of this title.

AMENDMENTS

1999—Subsec. (a)(1). Pub. L. 106–110, §1(a)(1), substituted "State, unit of local government, or rail carrier" for "State or unit of local government" and inserted "including railroad police officers" before semicolon at end.

Subsec. (a)(3). Pub. L. 106–110, §1(a)(3), substituted "State, unit of local government, or rail carrier" for "State or unit of local government", "State or such unit", and "State or unit" and inserted "railroad police officer", after "deputies".

Subsecs. (d), (e). Pub. L. 106–110, §1(b), (c), added subsecs. (d) and (e).

EFFECTIVE DATE

Section effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as a note under section 3711 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(d), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

EMPLOYMENT OF ANNUNCIATANS BY FEDERAL LAW ENFORCEMENT TRAINING CENTER


"(a) The Federal Law Enforcement Training Center may, for a period ending not later than December 31, 2012, appoint and maintain a cadre of up to 350 Federal announcians: (1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8348 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal announcian as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2) as may apply).

"(b) No appointment under this section may be made which would result in the displacement of any employee.

"(c) For purposes of this section—

"(1) the term ‘Federal announcian’ means an employee who has retired under the Civil Service Retirement System, the Federal Employees’ Retirement System, or any other retirement system for employees;

"(2) the term ‘employee’ has the meaning given such term by section 2105 of such title 5; and

"(3) the counting of Federal announcians shall be done on a full time equivalent basis.

ANNUAL OUTSTANDING STUDENT AWARD

Pub. L. 107–67, title I, Nov. 12, 2001, 115 Stat. 516, and similar provisions authorizing the Federal Law Enforcement Training Center to use gifts of property for authorized purposes, including funding of an annual gift to the outstanding student who graduated from a basic training program at the Center during the pre-
vions fiscal year, were transferred to a note set out under section 461 of Title 6, Domestic Security.

**Travel and Subsistence Expenses of State and Local Law Enforcement Officers Attending Conferences, Courses, Etc., at FBI National Academy**

Pub. L. 99–500, §101(b) [title II], Oct. 18, 1986, 100 Stat. 1783–39, 1783–48, and Pub. L. 99–591, §101(b) [title II], Oct. 30, 1986, 100 Stat. 3341–39, 3341–48, provided that: ‘‘Notwithstanding section 1345 of title 31, United States Code, funds made available to the Drug Enforcement Administration in any fiscal year may be used for travel, transportation, and subsistence expenses of State, county, and local law enforcement officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.’’

**FEES TO PROVIDE TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT OFFICERS AT FBI NATIONAL ACADEMY: PROHIBITION; REIMBURSEMENT**

Pub. L. 99–500, §101(b) [title II, §210], Oct. 18, 1986, 100 Stat. 1783–39, 1783–56, and Pub. L. 99–591, §101(b) [title II, §210], Oct. 30, 1986, 100 Stat. 3341–39, 3341–56, provided that: ‘‘The Director of the Federal Bureau of Investigation and the Administrator of the Drug Enforcement Administration shall not establish and collect fees to provide training to State and local law enforcement officers at the FBI National Academy. Any fees collected for training of State and local law enforcement officers, which occurred at the National Academy on or after October 1, 1986, shall be reimbursed to the appropriate official or agency. In addition, the Director of the National Institute of Corrections shall not establish and collect fees to provide training to State and local officers which was not provided on a reimbursable basis prior to October 1, 1986.’’

**SUBCHAPTER VIII—ADMINISTRATIVE PROVISIONS**


1. whether such programs or projects have achieved the performance goals stated in the original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal justice system;

2. whether such programs or projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime;

3. their cost in relation to their effectiveness in achieving stated goals;

4. their impact on communities and participants; and

5. their implication for related programs.

In conducting evaluations described in this subsection, the Bureau of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants. The Bureau of Justice Assistance shall also require applicants under part A of subchapter V of this chapter to submit an annual performance report concerning activities carried out pursuant to part A of subchapter V of this chapter together with an assessment by the applicant of the effectiveness of those activities in achieving the purposes of such part A and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pursuant to section 3752 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence). The Bureau shall suspend funding for an approved application under part A of subchapter V of this chapter if an applicant fails to submit such an annual performance report.

(c) Procedures for paperwork minimization and prevention of duplication and delays in award and expenditure of funds

The procedures established to implement the provisions of this chapter shall minimize paper-
work and prevent needless duplication and unnecessary delays in award and expenditure of funds at all levels of government.


§ 3783

Effective Date of 2006 Amendment

Amendment by Pub. L. 109–162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as a note under section 3750 of this title.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98–473 effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

§ 3783. Notice and hearing on denial or termination of grant

Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics finds that a recipient of assistance under this chapter has failed to comply substantially with—

(1) any provisions of this chapter;

(2) any regulations or guidelines promulgated under this chapter; or

(3) any application submitted in accordance with the provisions of this chapter, or the provisions of any other applicable Federal Act;

the Director involved shall, until satisfied that there is no longer any such failure to comply, terminate payments to the recipient under this chapter, reduce payments to the recipient under this chapter by an amount equal to the amount of such payments which were not expended in accordance with this chapter, or limit the availability of payments under this chapter to programs, projects, or activities not affected by such failure to comply.


Prior Provisions

A prior section 802 of Pub. L. 90–351 was classified to section 3782 of this title prior to repeal by section 609A(a) of Pub. L. 98–473.

Another prior section 802 of Pub. L. 90–351, title III, June 19, 1968, 82 Stat. 211, is set out as a note under section 2510 of Title 18, Crimes and Criminal Procedure.

Amendments

2006—Subsec. (b). Pub. L. 109–162 substituted “the purposes of such part A” for “the purposes of section 3751 of this title” and “the application submitted pursuant to section 3762 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence)” for “the application submitted pursuant to section 3753 of this title” in concluding provisions.


1993—Subsec. (b). Pub. L. 102–646, §330001(c), (h)(7), substituted “the application submitted in accordance with this chapter” for “3743” and “3753” for “3743”.


1980—Subsec. (b). Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1201, amended provisions respecting rules, regulations, and procedures affecting national priority grant programs or projects; evaluations in addition to the requirements of former sections 3743 and 3744 of this title; and requirement for comparison of effectiveness of formula grant programs or projects of States or local units of government with similar national priority discretionary grant programs or projects.

1979—Subsec. (a). Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1201, substituted “Office of Justice Programs” for “Office of Justice Assistance, Research, and Statistics” and “Bureau of Justice Assistance” for “Law Enforcement Assistance Administration” wherever appearing; provided for consultations with the Office of Juvenile Justice and Delinquency Prevention; and struck out provisions respecting rules, regulations, and procedures affecting national priority grant programs or projects; evaluations in addition to the requirements of former sections 3743 and 3744 of this title.


June 19, 1968, 82 Stat. 223, amended section 605 of 'Title 47, Telegraphs, Telephones, and Radiotelegraphs.'

Amendments

2006—Pub. L. 109–162 struck out "after reasonable notice and opportunity for a hearing," after "conclusions shall" and "except as otherwise provided here- in" before period at end.

1984—Pub. L. 98–473, §609B(c), substituted "Bureau of Justice Assistance" for "Law Enforcement Assistance Administration".

Effective Date of 1984 Amendment

Amendment by section 609B(c) of Pub. L. 98–473 effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.


A prior section 804 of Pub. L. 90–351 was renumbered section 803 and is classified to section 3784 of this title. Another prior section 804 of Pub. L. 90–351, title III, June 19, 1968, 82 Stat. 223, was set out as a note under section 2510 of Title 18, Crimes and Criminal Procedure.

§3786. Delegation of functions

The Attorney General, the Assistant Attorney General, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Bureau of Justice Assistance may delegate to any of their respective officers or employees such functions under this chapter as they deem appropriate.


Prior Provisions


A prior section 804 of Pub. L. 90–351 was renumbered section 803 and was classified to section 3785 of this title prior to repeal by Pub. L. 109–162.

Effective Date

Section effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as a note under section 3711 of this title.

Transfer of Functions

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

§3784. Finality of determinations

In carrying out the functions vested by this chapter in the Bureau of Justice Assistance, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall be final and conclusive upon all applications.


Prior Provisions

A prior section 803 of Pub. L. 90–351 was renumbered section 802 and is classified to section 3783 of this title.


Amendments

2006—Pub. L. 109–162 struck out "after reasonable notice and opportunity for a hearing," after "conclusions shall" and "except as otherwise provided here- in" before period at end.

1984—Pub. L. 98–473, §609B(c), substituted "Bureau of Justice Assistance" for "Law Enforcement Assistance Administration".

Effective Date of 1984 Amendment

Amendment by section 609B(c) of Pub. L. 98–473 effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.


A prior section 804 of Pub. L. 90–351 was renumbered section 803 and is classified to section 3784 of this title. Another prior section 804 of Pub. L. 90–351, title III, June 19, 1968, 82 Stat. 223, was set out as a note under section 2510 of Title 18, Crimes and Criminal Procedure.

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Prior Provisions


A prior section 804 of Pub. L. 90–351 was renumbered section 803 and was classified to section 3785 of this title prior to repeal by Pub. L. 109–162.

Effective Date

Section effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as a note under section 3711 of this title.

Transfer of Functions

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

§3787. Subpoena power; employment of hearing officers; authority to hold hearings

The Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may appoint such hearing ex-
the National Institute of Justice, and the Bureau of Justice Statistics may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this chapter.

(d) Experts and consultants; compensation

The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may procure the services of experts and consultants in accordance with section 3109 of title 5, relating to appointments in the Federal service, at rates of compensation for individuals not to exceed the daily equivalent of the rates of pay payable from time to time for GS–18 of the General Schedule under section 5332 of title 5.

(e) Advisory committees; compensation and travel expenses of committee members

The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized to appoint, without regard to the provisions of title 5, advisory committees to advise them with respect to the administration of this chapter as they deem necessary. Such committees shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Members of such committees not otherwise in the employ of the United States, while engaged in advising or attending meetings of such committees, shall be compensated at rates to be fixed by the Office but not to exceed the daily equivalent of the rate of pay payable from time to time for GS–18 of the General Schedule under section 5332 of title 5, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(f) Payments; installments; advances or reimbursement; transportation and subsistence expenses for attendance at conferences or other assemblages

Payments under this chapter may be made in installments, and in advance or by way of reimbursement, as may be determined by the Office, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding section 1345 of title 31.

(g) Voluntary services; status as Federal employees; exceptions

The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized to accept and employ, in carrying out the provisions of this chapter, voluntary and uncompensated services notwithstanding section 1342 of title 31. Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5 with respect to job-incurred disability and title 28 with respect to tort claims.

§ 3789

TITRE 42—THE PUBLIC HEALTH AND WELFARE

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PRIOR PROVISIONS

A prior section 3788, Pub. L. 90–351, title I, § 816, as added Pub. L. 96–157, § 2, Dec. 27, 1979, 93 Stat. 1204, contained in part provisions similar to subsec. (a) of this section, prior to repeal by section 609B(e) of Pub. L. 98–473.

A prior section 507 of Pub. L. 90–351 was classified to section 3757 of this title prior to repeal by section 609B(e) of Pub. L. 98–473.

Provisions similar to subsecs. (b), (c), (d) to (f), and (g) of this section were contained in sections 3789b(a), 3789c(a) to (c), and 3789h of this title, respectively, prior to repeal by section 609B(e) of Pub. L. 98–473.

EFFECTIVE DATE

Section effective Oct. 12, 1984, see section 609A(a)(a) of Pub. L. 98–473, set out as a note under section 3711 of this title.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(a)(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, § 108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18 to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

§ 3789a. Title to personal property

Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this chapter, including such property purchased with funds made available under this chapter as in effect before October 12, 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State office responsible for the trust fund required by section 3757 of this title, or the State office described in section 3796a–7 of this title, including such property purchased with funds made available under this chapter as in effect before October 12, 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State office responsible for the trust fund required by section 3757 or 3796aa–7 of this title.

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(a)(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, § 108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

EFFECTIVE DATE

Section effective Oct. 12, 1984, see section 609A(a)(a) of Pub. L. 98–473, set out as a note under section 3711 of this title.


Section 3789b, Pub. L. 90–351, title I, § 813, as added Pub. L. 96–157, § 2, Dec. 27, 1979, 93 Stat. 1205, provided for reimbursement authority and authorized use of grants, contracts, or cooperative agreements under chapter 63 of title 31. See section 3788(c) of this title.

Section 3789c, Pub. L. 90–351, title I, § 814, as added Pub. L. 96–157, § 2, Dec. 27, 1979, 93 Stat. 1205, provided for employment of services of experts and consultants and appointment of advisory committees. See section 3789(d) to (f) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 12, 1984, see section 609A(a)(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

§ 3789d. Prohibition of Federal control over State and local criminal justice agencies; prohibition of discrimination

(a) General rule

Nothing in this chapter or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

(b) Racial imbalance requirement restriction

Notwithstanding any other provision of law, nothing contained in this chapter shall be construed to authorize the National Institute of
Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration—  
(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this chapter of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or  
(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this chapter to adopt such a ratio, system, or other program.

(c) Discrimination prohibited; notice of non-compliance; suspension and restoration of payments; hearing; civil action by Attorney General; private action, attorney fees, intervention by Attorney General

(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this chapter.

(2)(A) Whenever there has been—  
(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency, to the effect that there has been a pattern or practice of discrimination in violation of paragraph (1); or  
(ii) a determination after an investigation by the Office of Justice Programs (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination with respect to such program or activity, with funds made available under this chapter) that a State government or unit of local government is not in compliance with paragraph (1);
the Office of Justice Programs shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of local government is located, and the chief executive of such unit of local government, that such program or activity has been so found or determined not to be in compliance with paragraph (1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of clause (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5 of title 5.

(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of local government), and by the Office of Justice Programs.

On or prior to the effective date of the agreement, the Office of Justice Programs shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of local government) shall file semiannual reports with the Office of Justice Programs detailing the steps taken to comply with the agreement. These reports shall cease to be filed upon the determination of the Office of Justice Programs that compliance has been secured, or upon the determination by a Federal or State court that such State government or local governmental unit is in compliance with this section. Within fifteen days of receipt of such reports, the Office of Justice Programs shall send a copy thereof to each such complainant.

(C) If, at the conclusion of ninety days after notification under subparagraph (A)—  
(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of local government; and  
(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Office of Justice Programs shall notify the Attorney General that compliance has not been secured and caused to have suspended further payment of any funds under this chapter to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Office of Justice Programs in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G), not more than thirty days after the conclusion of such hearing, unless there has been an express finding by the Office of Justice Programs, after notice and opportunity for such a hearing, that the recipient is not in compliance with paragraph (1).

(D) Payment of the suspended funds shall resume only if—  
(i) such State government or unit of local government enters into a compliance agreement approved by the Office of Justice Programs and the Attorney General in accordance with subparagraph (B);  
(ii) such State government or unit of local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Office of Justice Programs in the notice pursuant to subparagraph (A), or if found to be in compliance with paragraph (1) by such court; or  
(iii) after a hearing the Office of Justice Programs pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made
available under this chapter, and the conduct alleged violates the provisions of this section and neither party within forty-five days after such filing has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Office of Justice Programs shall cause to have suspended further payment of any funds under this chapter to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

(F) Prior to the suspension of funds under subparagraph (C), but within the ninety-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing on the record in accordance with section 554 of title 5, in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits of the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (G).

(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), a State government or unit of local government may request a hearing on the record in accordance with section 554 of title 5, which the Office of Justice Programs shall initiate within sixty days of such request.

(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), the Office of Justice Programs shall make a finding of compliance or noncompliance. If the Office of Justice Programs makes a finding of noncompliance, the Office of Justice Programs shall notify the Attorney General in order that the Attorney General may institute a civil action under paragraph (3), cause to have terminated the payment of funds under this chapter, and, if appropriate, seek repayment of such funds.

(iii) If the Office of Justice Programs makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

(H) Any State government or unit of local government aggrieved by a final determination of the Office of Justice Programs under subparagraph (G) may appeal such determination as provided in section 3785 of this title.

(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this chapter as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

(4)(A) Whenever a State government or unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this subsection, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date the administrative complaint was filed with the Office of Justice Programs or any other administrative enforcement agency, unless within such period there has been a determination by the Office of Justice Programs or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

(B) In any civil action brought by a private person to enforce compliance with any provision of this subsection, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

(C) In any action instituted under this section to enforce compliance with paragraph (1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.
§ 3789e. Report to President and Congress

Not later than April 1 of each year, the Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice shall each submit a report to the President and to the Speaker of the House of Representatives and the President of the Senate, on their activities under this chapter during the fiscal year next preceding such date.


PRIORITY PROVISIONS

A prior section 810 of Pub. L. 90–351 was classified to section 3788 of this title prior to repeal by section 609B(e) of Pub. L. 98–473.

REPEALS

1984—Pub. L. 98–473, § 609B(i), substituted requirement of individual reports by certain officials of listed agencies to the President and the Speaker of the House and President of the Senate for former subsec. (a) through (e) provisions which included requirement of an annual report on or before March 31 of each year to the President and Committees on the Judiciary of the Senate and the House, including description of scope of coverage; report covering receipt and compilation of evaluations, statistics, and performance reports, comprehensive statistics, analyses, and findings respecting attainment of described objectives; plan for collection, analysis, and evaluation of data for measurement of progress in prescribed and additional areas, definition of “comprehensive statistics” and “reasonably expected contribution”; attainment of reasonably expected contribution in prescribed and additional areas; and data collection, including minimum duplication.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 609B(h) of Pub. L. 98–473 effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

§ 3789f. Other administrative provisions

(a) Recordkeeping requirement; scope of disclosure; other sources of funds

Each recipient of funds under this chapter shall keep such records as the Office of Justice Programs shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) Access to records for audit and examination

The Office of Justice Programs or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this chapter which in the opinion of the Office of Justice Programs may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this chapter.

(c) Audit and examination period after completion of program or project

The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this chapter which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this chapter.

(d) Recipients of assistance subject to provisions of section

The provisions of this section shall apply to all recipients of assistance under this chapter, whether by direct grant, cooperative agreement, or contract under this chapter or by subgrant or subcontract from primary grantees or contractors under this chapter.

(e) Revolving fund for acquisition of stolen goods and property within Bureau of Justice Assistance

There is hereby established within the Bureau of Justice Assistance a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such goods and property. Notwithstanding any other provision of law, any income or royalties generated from such projects together with income generated from any sale or use of such goods or property, where such goods or property are not claimed by their lawful owner, shall be paid into the revolving fund. Where a party establishes a legal right to such goods or property, the Administrator of the fund may in his discretion assert a claim against the property or goods in the amount of Federal funds used to purchase such goods or property. Proceeds from such claims shall be paid into the revolving fund. The Administrator is authorized to make disbursements by appropriate means, including grants, from the fund for the purpose of this section.

§ 3789g

PRIOR PROVISIONS

A prior section 811 of Pub. L. 90–351 was classified to section 3789 of this title prior to repeal by section 609B(e) of Pub. L. 98–473.

AMENDMENTS


Subsecs. (d) to (f). Pub. L. 98–473, § 609B(j)(2), (3), redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out former subsec. (d) relating to civil rights regulations and conforming changes of the regulations.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 609B(j) of Pub. L. 98–473 effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

§ 3789g. Confidentiality of information

(a) Research or statistical information; immunity from process; prohibition against admission as evidence or use in any proceedings

No officer or employee of the Federal Government, and no recipient of assistance under the provisions of this chapter shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this chapter. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

(b) Criminal history information; disposition and arrest data; procedures for collection, storage, dissemination, and current status; security and privacy; availability for law enforcement, criminal justice, and other lawful purposes; automated systems: review, challenge, and correction of information

All criminal history information collected, stored, or disseminated through support under this chapter shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office of Justice Programs shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this chapter, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

(c) Criminal intelligence systems and information; prohibition against violation of privacy and constitutional rights of individuals

All criminal intelligence systems operating through support under this chapter shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office of Justice Programs and which are written to assure that the funding and operation of these systems furthers the purpose of this chapter and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

(d) Violations; fine as additional penalty

Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.


PRIOR PROVISIONS

A prior section 812 of Pub. L. 90–351 was classified to section 3789a of this title prior to repeal by section 609B(e) of Pub. L. 98–473.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–162 substituted “No” for “Except as provided by Federal law other than this chapter, no”.


EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 609B(k) of Pub. L. 98–473 effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.


Section, Pub. L. 90–351, title I, § 819, 93 Stat. 1214, authorized acceptance of voluntary services. See section 3789g of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

§ 3789i. Administration of juvenile delinquency programs

The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the Office of Juvenile Justice and Delinquency Prevention in developing and implementing programs in the juvenile justice and delinquency prevention field.


**Prior Provisions**

A prior section 813 of Pub. L. 90–351 was classified to section 3789f of this title prior to repeal by section 609B(e) of Pub. L. 98–473.

**Amendments**

1984—Pub. L. 98–473, §609B(m), struck out subsec. (a) relating to programs concerned with juvenile delinquency and administered by the Law Enforcement Assistance Administration and struck out subsec. (b) designation.

**Effective Date of 1984 Amendment**

Amendment by section 609B(m) of Pub. L. 98–473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

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**§ 3789j. Prohibition on land acquisition**

No funds under this chapter shall be used for land acquisition.


**Prior Provisions**

A prior section 814 of Pub. L. 90–351 was classified to section 3789e of this title prior to repeal by section 609B(e) of Pub. L. 98–473.

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**§ 3789k. Prohibition on use of Central Intelligence Agency services**

Notwithstanding any other provision of this chapter, no use will be made of services, facilities, or personnel of the Central Intelligence Agency.


**Prior Provisions**

A prior section 815 of Pub. L. 90–351 was renumbered section 809 and is classified to section 3789d of this title.

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**§ 3789l. Indian liability waiver**

Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Assistant Attorney General is authorized to waive State liability and may pursue such legal remedies as are necessary.


**Prior Provisions**

A prior section 816 of Pub. L. 90–351 was renumbered section 810 and is classified to section 3789d of this title.

**Amendments**

1984—Pub. L. 98–473, §609B(n), substituted “Assistant Attorney General” for “Administration”.

**Effective Date of 1984 Amendment**

Amendment by section 609B(n) of Pub. L. 98–473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

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**§ 3789m. District of Columbia matching fund source**

Funds appropriated by the Congress for the activities of any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this chapter.


**Prior Provisions**

A prior section 817 of Pub. L. 90–351 was renumbered section 811 and is classified to section 3789d of this title.

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**§ 3789n. Limitation on civil justice matters**

Authority of any entity established under this chapter shall extend to civil justice matters only to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.


**Prior Provisions**

A prior section 818 of Pub. L. 90–351 was renumbered section 812 and is classified to section 3789g of this title.

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**§ 3789p. Accountability and oversight**

(a) Report by grant recipients

The Attorney General or Secretary of Health and Human Services, as applicable, shall require grantees under any program authorized or reauthorized by this division or an amendment made by this division to report on the effectiveness of the activities carried out with amounts made available to carry out that program, including number of persons served, if applicable, numbers of persons seeking services who could not be served and such other information as the Attorney General or Secretary may prescribe.

(b) Report to Congress

The Attorney General or Secretary of Health and Human Services, as applicable, shall report biennially to the Committees on the Judiciary of the House of Representatives and the Senate on the grant programs described in subsection (a) of this section, including the information contained in any report under that subsection.


**References in Text**

This division, referred to in subsec. (a), is division B of Pub. L. 106–386, Oct. 28, 2000, 114 Stat. 1491, known as
the Violence Against Women Act of 2000. For complete classification of division B to the Code, see Short Title of 2000 Amendment note set out under section 13701 of this title and Tables.

Codification

Section was enacted as part of the Violence Against Women Act of 2000, and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

SUBCHAPTER IX—DEFINITIONS

§ 3791. General provisions

(a) Definitions

As used in this chapter—

(1) "criminal justice" means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands: Provided, That for the purposes of section 3755(a) of this title, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one state and that for these purposes 67 percent of the amounts allocated shall be allocated to American Samoa, and 33 percent to the Commonwealth of the Northern Mariana Islands;

(3) "unit of local government" means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and impose taxes;

(C) an Indian Tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

(i) the District of Columbia;

(ii) any Trust Territory of the United States;

(iii) the Commonwealth of the Northern Mariana Islands;

(iv) American Samoa; and

(v) Guam;

(4) "construction" means the erection, acquisition, renovation, repairs, remodeling, or expansion of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor;

(5) "combination" as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a criminal justice program, plan, or project;

(6) "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(7) "correctional facility" means any place for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses;

(8) "correctional facility project" means a project for the construction, replacement, alteration or expansion of a prison or jail for the purpose of relieving overcrowding or substandard conditions;

(9) "criminal history information" includes records and related data, contained in an automated or manual criminal justice information system, compiled by law enforcement agencies for the purpose of identifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

(10) "evaluation" means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this chapter;

(11) "neighborhood or community-based organizations" means organizations, including faith-based, that are representative of communities or significant segments of communities;

(12) "chief executive" means the highest official of a State or local jurisdiction;

(13) "cost of construction" means all expenses found by the Director to be necessary for the construction of the project, including architect and engineering fees, but excluding land acquisition costs;

(14) "population" means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

(15) "Attorney General" means the Attorney General of the United States or his designee;

(16) "court of last resort" means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State’s judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean the highest appellate court which also has either rulemaking authority or administrative responsibility for the State’s judicial system and the institu-

1 So in original. Probably should be capitalized.

2 So in original. The period probably should be a semicolon.
tions of the State judicial branch. Except as used in the definition of the term "court of last resort" the term "court" means a tribunal recognized as a part of the judicial branch of a State or of its local government units;

(17) "institution of higher education" means any such institution as defined by section 1001 of title 20, subject, however, to such modifications and extensions as the Office may determine to be appropriate;

(18) "white-collar crime" means an illegal act or series of illegal acts committed by non-physical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage;

(19) "proven effectiveness" means that a program, project, approach, or practice has been shown by analysis of performance and results to make a significant contribution to the accomplishment of the objectives for which it was undertaken or to have a significant effect in improving the condition or problem it was undertaken to address;

(20) "record of proven success" means that a program, project, approach, or practice has been demonstrated by evaluation or by analysis of performance data and information to be successful in a number of jurisdictions or over a period of time in contributing to the accomplishment of objectives or to improving conditions identified with the problem, to which it is addressed;

(21) "high probability of improving the criminal justice system" means that a prudent assessment of the concepts and implementation plans included in a proposed program, project, approach, or practice, together with an assessment of the problem to which it is addressed and of data and information bearing on the problem, concept, and implementation plan, provides strong evidence that the proposed activities would result in identifiable improvements in the criminal justice system if implemented as proposed;

(22) "correctional option" includes community-based incarceration, weekend incarceration, boot camp prison, electronic monitoring of offenders, intensive probation, and any other innovative punishment designed to have the greatest impact on offenders who can be punished more effectively in an environment other than a traditional correctional facility;

(23) "boot camp prison" includes a correctional facility in which inmates are required to participate in a highly regimented program that provides strict discipline, physical training, and hard labor, together with extensive rehabilitative activities and with educational, job training, and drug treatment support;

(24) the term "young offender" means a non-violent first-time offender or a non-violent offender with a minor criminal record who is 22 years of age or younger (including juveniles);

(25) the term "residential substance abuse treatment program" means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems;

(26) the term "Indian Tribe" has the meaning given the term "Indian tribe" in section 450b(e) of title 25; and

(27) the term "private person" means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).

(b) Data basis for definitions; reflection of technical changes or modifications

Where appropriate, the definitions in subsection (a) of this section shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Office may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) of this section in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) Designation of public agencies for undertaking a program or project

One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of local government to undertake a program or project in whole or in part.


Prior Provisions


A prior section 901 of Pub. L. 90–351, title IV, June 19, 1968, 82 Stat. 225, was classified as a note under section 901 of Title 18, Crimes and Criminal Procedure.


Amendments

2006—Subsec. (a)(2). Pub. L. 109–162, § 1111(c)(2)(F), which directed the substitution of "for the purposes of
section 3755(a) of this title” for “for the purposes of section 3756(a) of this title”, was executed by making the substitution for “for the purposes of section 3756(a) of this title”, to reflect the probable intent of Congress. Subsec. (a)(3)(C). Pub. L. 109–162, §1156(1), struck out “(as that term is defined in section 5603 of this title)” after “an Indian Tribe”. Subsec. (a)(5). Pub. L. 109–162, §1156(2), substituted “program, plan, or project” for “program or project”. Subsec. (a)(11). Pub. L. 109–162, §1156(3), substituted “+, including faith-based, that” for “which”. Subsec. (a)(21). (27). Pub. L. 109–162, §1156(4), added pars. (26) and (27).

1998—Subsec. (a)(3). Pub. L. 105–277, which directed the general amendment of par. (3) of this section, was executed to subsec. (a)(3) of this section, to reflect the probable intent of Congress. Prior to amendment, subsec. (a)(3) read as follows: “unit of local government’’ means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands”: Subsec. (a)(17). Pub. L. 105–244, which directed amendment of par. (17) of this section by substituting “1001” for “1141(a)”, was executed to subsec. (a)(17) of this section to reflect the probable intent of Congress. 1994—Subsec. (a)(3). Pub. L. 103–322, §§330001(b)(13), substituted “Columbia,” and “for “Columbia and “.”

Amendment by section 1111(c)(2)(F) of Pub. L. 109–162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as a note under section 3750 of this title.


SUBCHAPTER X—FUNDING §3793. Authorization of appropriations

(a)(1) There is authorized to be appropriated $30,000,000 for fiscal year 1992 and $33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the Bureau of Justice Statistics. (2) There is authorized to be appropriated $30,000,000 for fiscal year 1992 and $33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the National Institute of Justice.

(3) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and $28,000,000 for each of the fiscal years 1994 and 1995 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance other than functions under subchapters IV, V, VI, VII, XII, and the functions of the National Institute of Justice.

(4) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out subchapter XII of this chapter.

(5) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and $1,000,000,000 for each of the fiscal years 1994 and 1995 to carry out the subchapters IV and V (other than subparts 2 of part B) other than subpart 2 of part B of subchapter V of this chapter.

1 See References in Text note below.
2 So in original. Phrase “(other than subpart 2 of part B)” probably should not appear.
(6) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, $245,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995 to carry out subpart 2 of part B of subchapter V of this chapter.

(7) There is authorized to be appropriated to carry out subchapter XII–B of this chapter $1,000,000 for each of fiscal years 2001 through 2005.

(8) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, $16,500,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995.

(9) There are authorized to be appropriated to carry out subchapter XII–C of this chapter—
(A) $24,000,000 for fiscal year 1996;
(B) $40,000,000 for fiscal year 1997;
(C) $50,000,000 for fiscal year 1998;
(D) $60,000,000 for fiscal year 1999; and
(E) $66,000,000 for fiscal year 2000.

(10) There are authorized to be appropriated $10,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out projects under subchapter XII–D of this chapter.

(11)(A) There are authorized to be appropriated to carry out subchapter XII–E of this chapter, to remain available until expended $1,047,119,000 for each of fiscal years 2006 through 2009.

(B) Of funds available under subchapter XII–E of this chapter in any fiscal year, up to 3 percent may be used for technical assistance under section 3796(dd) of this title or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of subchapter XII–E of this chapter. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less by public and private entities that serve areas with populations 150,000 or less. In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under subchapter XII–E of this chapter shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.

(16) There are authorized to be appropriated to carry out projects under subchapter XII–F of this chapter—
(A) $20,000,000 for fiscal year 1996;
(B) $25,000,000 for fiscal year 1997;
(C) $30,000,000 for fiscal year 1998;
(D) $35,000,000 for fiscal year 1999; and
(E) $40,000,000 for fiscal year 2000.

(17) There are authorized to be appropriated to carry out the projects under subchapter XII–G of this chapter—
(A) $27,000,000 for fiscal year 1996;
(B) $36,000,000 for fiscal year 1997;
(C) $63,000,000 for fiscal year 1998;
(D) $72,000,000 for fiscal year 1999; and
(E) $72,000,000 for fiscal year 2000.

(18) There is authorized to be appropriated to carry out subchapter XII–H of this chapter $225,000,000 for each of fiscal years 2007 through 2011.

(19) There is authorized to be appropriated to carry out subchapter XII–I of this chapter $75,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this paragraph shall remain available until expended.

(20) There are authorized to be appropriated to carry out subchapter XII–J of this chapter, $10,000,000 for each of fiscal years 2001 through 2004.

(21) There are authorized to be appropriated to carry out subchapter XII–K of this chapter—
(1) $2,500,000 for fiscal year 1996;
(2) $4,000,000 for fiscal year 1997;
(3) $5,000,000 for fiscal year 1998;
(4) $6,000,000 for fiscal year 1999; and
(5) $7,500,000 for fiscal year 2000.

(22) There are authorized to be appropriated to carry out subchapter XII–L of this chapter—
(1) $1,000,000 for fiscal year 1996;
(2) $3,000,000 for fiscal year 1997;
(3) $5,000,000 for fiscal year 1998;
(4) $15,560,000 for fiscal year 1999; and
(5) $17,500,000 for fiscal year 2000.

(23) There are authorized to be appropriated to carry out subchapter XII–M of this chapter, $25,000,000 for each of fiscal years 1999 through 2001, and $50,000,000 for each of fiscal years 2002 through 2012.

(24) There are authorized to be appropriated to carry out subchapter XV of this chapter, to remain available until expended—
(A) $35,000,000 for fiscal year 2001;
(B) $85,400,000 for fiscal year 2002;
(C) $134,733,000 for fiscal year 2003;
(D) $128,067,000 for fiscal year 2004;
(E) $56,733,000 for fiscal year 2005;
(F) $128,067,000 for fiscal year 2006;
(G) $20,000,000 for fiscal year 2007;
(H) $20,000,000 for fiscal year 2008; and
(I) $20,000,000 for fiscal year 2009.

(25)(A) Except as provided in subparagraph (C), there are authorized to be appropriated to carry out subchapter XVI of this chapter—
(i) $50,000,000 for fiscal year 2002;
(ii) $54,000,000 for fiscal year 2003;
(iii) $58,000,000 for fiscal year 2004; and
(iv) $60,000,000 for fiscal year 2005;
(v) $70,000,000 for each of fiscal years 2007 and 2008; and
(vi) $70,000,000 for fiscal year 2006.

(B) The Attorney General shall reserve not less than 1 percent and not more than 4.5 percent of the sums appropriated for this program in each fiscal year for research and evaluation of this program.
(C) No funds made available to carry out subchapter XVI of this chapter shall be expended if the Attorney General fails to submit the report required to be submitted under section 2401(c) of title II of Division B of the 21st Century Department of Justice Appropriations Authorization Act.\(^1\)

(26) There are authorized to be appropriated to carry out subchapter XV–A $10,000,000 for each of fiscal years 2009 and 2010.

(b) Funds appropriated for any fiscal year may remain available for obligation until expended.

(c) Notwithstanding any other provision of law, no funds appropriated under this section for subchapter V of this chapter may be transferred or reprogrammed for carrying out any activity which is not authorized under such subchapter.


REFERENCES IN TEXT


(A) $250,000 for fiscal year 1996;

(B) $1,000,000 for fiscal year 1997;

(C) $1,000,000 for fiscal year 1998;

(D) $1,000,000 for fiscal year 1999; and

(E) $1,000,000 for fiscal year 2000.

Subsec. (a)(18). Pub. L. 109–162, § 1163(c)(2), added par. (18) and struck out former par. (18) which read as follows: “There are authorized to be appropriated to carry out subchapter XII–H of this chapter—

(A) $25,000,000 for fiscal year 1995;

(B) $50,000,000 for fiscal year 1996;

(C) $145,000,000 for fiscal year 1997;
“(D) $160,000,000 for fiscal year 1998;

“(E) $165,000,000 for fiscal year 1999; and

“(F) $174,000,000 for fiscal year 2000.”

Subsec. (a)(10).Pub. L. 106–386, §1194, added par. (19) and struck out former par. (19) which read as follows: “There are authorized to be appropriated to carry out subchapter XII–I of this chapter—

“(A) $29,000,000 for fiscal year 1996;

“(B) $33,000,000 for fiscal year 1997; and

“(C) $39,000,000 for fiscal year 1998.”


1996—Subsec. (a)(20).Pub. L. 104–134 struck out par. (20) which read as follows: “There are authorized to be appropriated to carry out subchapter XII–J of this chapter—

“(A) $100,000,000 for fiscal year 1995;

“(B) $150,000,000 for fiscal year 1996;

“(C) $150,000,000 for fiscal year 1997;

“(D) $200,000,000 for fiscal year 1998;

“(E) $200,000,000 for fiscal year 1999; and

“(F) $200,000,000 for fiscal year 2000.”


Pub. L. 103–322, §210601(c)(1), inserted “, and $50,000,000 for each of fiscal years 2002 through 2004” before period at end.


1996—Subsec. (a)(20).Pub. L. 104–134 struck out par. (20) which read as follows: “There are authorized to be appropriated to carry out subchapter XII–J of this chapter—

“(A) $100,000,000 for fiscal year 1995;

“(B) $150,000,000 for fiscal year 1996;

“(C) $150,000,000 for fiscal year 1997;

“(D) $200,000,000 for fiscal year 1998;

“(E) $200,000,000 for fiscal year 1999; and

“(F) $200,000,000 for fiscal year 2000.”


Pub. L. 103–322, §210302(c)(3)(A), which directed the substitution of “XII–I, and XII–II” for “and XII–I”, was executed by making the substitution in par. (3) of subsec. (a) to reflect the probable intent of Congress.

Pub. L. 103–322, §210302(c)(3)(B), which directed amendment of this section by adding at the end a new par. (22), was executed by adding par. (22) at the end of subsec. (a) to reflect the probable intent of Congress.

Subsec. (c).Pub. L. 103–322, §330001(h)(14), substituted “such subchapter” for “such subchapters”.


Subsec. (a)(3).Pub. L. 102–534, §1(4), substituted “such sums as may be necessary for fiscal year 1992 and $28,000,000 for each of the fiscal years 1993 and 1994 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance other than functions under subchapters IV, V, VI, VII, XII, XII–A, XII–B, and XII–C of this chapter” for “$25,500,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance, other than functions under subchapters IV, V, VI, VII, XII, XII–A, and XII–B of this chapter”.

Subsec. (a)(4).Pub. L. 102–534, §1(5), substituted “such sums as may be necessary for fiscal year 1992 and $1,000,000,000 for each of the fiscal years 1993 and 1994 to carry out the programs under subchapters IV and V” for “$900,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal year 1992 to carry out the programs under subchapters IV and V”.

Subsec. (a)(5).Pub. L. 102–534, §1(6), substituted “such sums as may be necessary for fiscal year 1992, $245,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and such sums as may be necessary for fiscal year 1991 and such sums as may be necessary for fiscal year 1992”.


Subsec. (a)(10).Pub. L. 103–322, §18501(a), amended par. (9) generally. Pub. L. 103–322, §18501(a), read as follows: “There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, $22,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 to carry out subchapter XII–C of this chapter.”


Subsec. (a)(22).Pub. L. 103–322, §210302(c)(3)(B), which directed amendment of this section by adding at the end a new par. (22), was executed by adding par. (22) at the end of subsec. (a) to reflect the probable intent of Congress.
Pub. L. 102–534, § 19(d), substituted “such sums as may be necessary for fiscal years 1992, $22,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994” for “$20,000,000 for fiscal year 1991, and such sums as may be necessary for fiscal years 1992 and 1993.”

Subsec. (b). Pub. L. 102–521, § 4(c)(1), and Pub. L. 102–534, § 1(h), amended subsec. (b) identically, redesignating par. (7) relating to authorization of appropriations for subchapter XII–C of this chapter, as (9).


Subsec. (a)(5). Pub. L. 101–647, § 2801, amended par. (5) generally. Prior to amendment, par. (5) read as follows: “There are authorized to be appropriated $275,000,000 for fiscal year 1989; $350,000,000 for fiscal year 1990; $400,000,000 for fiscal year 1991; and such sums as may be necessary for fiscal year 1992 to carry out the programs under subchapters IV and V of this chapter.”

Subsec. (a)(6). Pub. L. 101–647, § 1801(e), added par. (6) relating to authorization of appropriations for subpart 2 of part B of subchapter V of this chapter.

Pub. L. 101–647, § 241(c)(1)(C), added par. (6) relating to authorization of appropriations for subchapter XII–B of this chapter. Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 101–647, § 1801(b), added par. (7) relating to authorization of appropriations for subchapter XII–C of this chapter, as (7).

Pub. L. 101–647, § 241(c)(1)(B), redesignated par. (6), relating to authorization of appropriations for subchapter XII–A of this chapter, as (7).

Subsec. (b). Pub. L. 101–647, § 241(c)(2), which directed substitution of “XII–A, and XII–B” for “and XII–A”, could not be executed because the words “and XII–A” did not appear.


Subsec. (b). Pub. L. 99–570, § 1552(c)(2), inserted reference to subchapter XII–A of this chapter.


**Effective Date of 2006 Amendment**

Pub. L. 109–162, § 4, as added by Pub. L. 109–271, § 1(b), Aug. 12, 2006, 120 Stat. 750, provided that: “Notwithstanding any other provision of this Act or any other law, sections 101, 102 (except the amendment to section 2101(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ddh(d)) included in that section), 163, 121, 263, 294, 265, 301, 306, 602, 906, and 967 of this Act [enacting sections 3796gg–4, 3796gg–10, 3796gg–11, 3796hh–5, 1404Aa, and 1404Bb of this title, amending this section and sections 3796cc, 3796cc–1, 3796gg–4, 3796gg–6, 3796hh–1, 10420, 1397t, 1397t, 13941a, and 1404Bb of this title, and repealing section 1152 of Title 20, Education] shall not take effect until the beginning of fiscal year 2007.”

**Effective Date of 1994 Amendment**

Amendment by section 210302(c)(3) of Pub. L. 103–322 effective 60 days after Sept. 30, 1994, see section 210302(c)(4) of Pub. L. 103–322, set out as an Effective Date note under section 3796kk of this title.

**Effective Date of 1984 Amendment**


**Construction of 2008 Amendment**

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

**Dissemination of Information**


(1) annually compile and disseminate information (including through electronic publication) to an agency of uses of amounts expended and the projects funded under section 218(a) [now 21(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 1301(a)), section 228(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 1302(a)), and section 1007(a)(7) (1001(a)(7)) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793a(a)(7)), including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects; and

(2) focus dissemination of the information described in paragraph (1) toward community-based programs, including domestic violence and sexual assault programs.”

[For definitions of terms used in section 1302(d)(2) of Pub. L. 106–386, set out above, see section 1002 of Pub. L. 106–386, set out as a note under section 3796gg–2 of this title.]

**Use of Funds Available Under Former Subsection (a)(20)**

Section 101(a)(a) [title I, § 114(b)(1)(B)(ii)] of Pub. L. 104–134 provided that: “Notwithstanding the provisions of subparagraph (A) [repealing sections 379661 to 379661–8 of this title], any funds that remain available to an applicant under paragraph (20) of section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [former 42 U.S.C. 3793a(a)(20)] shall be used in accordance with part V of such Act [former 42 U.S.C. 37961 to 379661–8] as if [sic] such Act [part] was in effect on the day preceding the date of enactment of this Act [Apr. 26, 1996].”

**Financial Support for Programs, etc., Devoted to International Aspects of Crime Prevention and Criminal Justice**

Pub. L. 96–132, § 20(a), Nov. 30, 1979, 93 Stat. 1049, provided that: “The National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized to use funds, and to authorize States to use funds, for programs, projects or events devoted to the international aspects of crime prevention and criminal justice.”


Section 3793a, Pub. L. 90–351, title I, § 1002, as added Pub. L. 96–137, § 2, Dec. 27, 1979, 93 Stat. 1218, required maintenance of a fund for juvenile delinquency programs consisting of minimum of 10.5 per centum of the appropriations each fiscal year for this chapter. A prior section 1002 of Pub. L. 90–351, title V, June 19, 1968, 82 Stat. 225, was classified as a note under section 7313 of Title 5, Government Organization and Employees.

DEFECTIVE DATE OF REPEAL
Repeal effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

SUBCHAPTER XI—CRIMINAL PENALTIES
§ 3795. Misuse of Federal assistance
Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this chapter, whether received directly or indirectly from the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, or whoever receives, conceals, or retains such funds, assets or property with intent to convert such funds, assets or property to his use or gain, knowing such funds, assets, or property has been embezzled, willfully misapplied, stolen or obtained by fraud, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.


PRIOR PROVISIONS
Provisions similar to this section were contained in former section 3793 of this title prior to the general amendment of this chapter by Pub. L. 96–157.

AMENDMENTS

EFFECTIVE DATE OF 1984 AMENDMENT
Amendment by Pub. L. 98–473 effective Oct. 12, 1984, see section 609A(a) of Pub. L. 98–473, set out as an Effective Date note under section 3711 of this title.

SUBCHAPTER XII—PUBLIC SAFETY OFFICERS’ DEATH BENEFITS

PART A—DEATH BENEFITS
§ 3796. Payment of death benefits
(a) Amount; recipients
In any case in which the Bureau of Justice Assistance (hereinafter in this subchapter referred to as the “Bureau”) determines, under regulations issued pursuant to this subchapter, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Bureau shall pay a benefit of $250,000, adjusted in accordance with subsection (h) of this section, as follows:

(1) if there is no surviving spouse of such officer, to the surviving spouse of such officer;

(2) if there is a surviving child or children of such officer, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;

(3) if there is no surviving spouse, to the child or children of such officer in equal shares;

(4) if there is no surviving spouse or surviving child—

(A) in the case of a claim made on or after the date that is 90 days after January 5, 2006, to the individual designated by such officer as beneficiary under such officer’s public safety agency, organization, or unit, provided that such individual survived such officer; or

(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer’s most recently executed life insurance policy on file at the time of death with such officer’s public safety agency, organization, or unit, provided that such individual survived such officer; or
§ 3796
(b) Benefits for permanent and total disability

In accordance with regulations issued pursuant to this subchapter, in any case in which the Bureau determines that a public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty, the Bureau shall pay, to the extent that appropriations are provided, the same benefit in any year that is payable under subsection (a) of this section in such year, adjusted in accordance with subsection (h) of this section, to such officer: Provided, That the total annual benefits paid under this subsection may not exceed $5,000,000. For the purposes of making these benefit payments, there are authorized to be appropriated for each fiscal year such sums as may be necessary: Provided further, That these benefit payments are subject to the availability of appropriations and that each beneficiary’s payment shall be reduced by a proportionate share to the extent that sufficient funds are not appropriated.

(c) Interim benefit payment

Whenever the Bureau determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Bureau may make an interim benefit payment not exceeding $3,000 to the individual entitled to receive a benefit under subsection (a) of this section.

(d) Deduction of interim payment

The amount of an interim benefit payment under subsection (c) of this section shall be deducted from the amount of any final benefit paid to such individual.

(e) Repayment of interim payment; waiver

Where there is no final benefit paid, the recipient of any interim payment under subsection (c) of this section shall be liable for repayment of such amount. The Bureau may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

(f) Reductions from final benefit payment

The benefit payable under this subchapter shall be in addition to any other benefit that may be due from any other source, except—

(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4–622); or
(2) benefits authorized by section 8191 of title 5. Such beneficiaries shall only receive benefits under such section 8191 that are in excess of the benefits received under this subchapter.

(g) Execution or attachment prohibited

No benefit paid under this subchapter shall be subject to execution or attachment.

(h) Consumer Price Index adjustment

On October 1 of each fiscal year beginning after June 1, 1988, the Bureau shall adjust the level of the benefit payable immediately before such October 1 under subsection (a) of this section, to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, occurring in the 1-year period ending on June 1 immediately preceding such October 1.

(i) Amount payable determined as of date of death

The amount payable under subsection (a) of this section with respect to the death of a public safety officer shall be the amount payable under subsection (a) of this section as of the date of death of such officer.

(j) Limitations on benefits

(1) No benefit is payable under this subchapter with respect to the death of a public safety officer if a benefit is paid under this subchapter with respect to the disability of such officer.

(2) No benefit is payable under this subchapter with respect to the disability of a public safety officer if a benefit is payable under this subchapter with respect to the death of such public safety officer.

(k) Death by heart attack or stroke; presumption

For purposes of this section, if a public safety officer dies as the direct and proximate result of a heart attack or stroke, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty, if—

(1) that officer, while on duty—
(A) engaged in a situation, and such engagement involved nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or
(B) participated in a training exercise, and such participation involved nonroutine stressful or strenuous physical activity;

(2) that officer died as a result of a heart attack or stroke suffered—
(A) while engaging or participating as described under paragraph (1);
(B) while still on that duty after so engaging or participating; or
(C) not later than 24 hours after so engaging or participating; and

(3) such presumption is not overcome by competent medical evidence to the contrary.

(l) Definition

For purposes of subsection (k) of this section, “nonroutine stressful or strenuous physical” excludes actions of a clerical, administrative, or nonmanual nature.

(m) Suspension or end of collection action

The Bureau may suspend or end collection action on an amount disbursed pursuant to a statute enacted retroactively or otherwise disbursed in error under subsection (a) or (c) of this section, where such collection would be imprac-
tical, or would cause undue hardship to a debtor who acted in good faith.


**REFERENCES IN TEXT**


**PRIOR PROVISIONS**


**AMENDMENTS**

2006—Subsec. (a)(4). Pub. L. 109–162, §1164(d), amended par. (4) generally. Prior to amendment, par. (4) read as follows: "if there is no surviving spouse or surviving child, to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or"

Subsec. (a)(6). Pub. L. 109–162, §1164(e), which directed amendment of section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796a) by adding par. (6) at end, was executed by adding par. (6) at end of subsec. (a) of this section to reflect the probable intent of Congress.

Subsec. (m). Pub. L. 109–162, §1164(c), added subsec. (m).


1994—Subsec. (a). Pub. L. 103–322, §330001(e)(1)(A), substituted "subsection (b) of this section." for "subsection (g) of this section" in introductory provisions.

Subsec. (b). Pub. L. 103–322, §330001(e)(1)(B), substituted "catastrophic injury" for "catastrophic personal injury", "subsection (h)" for "subsection (g)" and "benefits paid under this subsection" for "benefits paid under this section".

1992—Subsec. (b). Pub. L. 102–520 substituted "the same benefit in any year that is payable under subsection (a) of this section in such year," for "a benefit of up to $200,000.",


Subsec. (c). Pub. L. 101–647, §1301(a)(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsecs. (d), (e). Pub. L. 101–647, §1301(a)(1), (2), redesignated subsecs. (c) and (d) as (d) and (e), respectively, and substituted "(c)" for "(b)". Former subsec. (e) redesignated (f).

Subsecs. (f) to (i). Pub. L. 101–647, §1301(a)(2), redesignated former subsecs. (e) to (h) as (f) to (i), respectively.


1988—Subsec. (a). Pub. L. 100–690, §6105(a), substituted "$100,000, adjusted in accordance with subsection (g) of this section" for "$50,000".

Subsec. (a)(4). Pub. L. 100–690, §6105(c), struck out "dependent" before "parent".

Subsecs. (g), (h). Pub. L. 100–690, §6105(b), added subsecs. (g) and (h).

**EFFECTIVE DATE OF 2002 AMENDMENT**

Pub. L. 107–196, §2(c), June 24, 2002, 116 Stat. 720, provided that: "The amendments made by this section [amending this section and section 3796b of this title] shall take effect on September 11, 2001, and shall apply to injuries or deaths that occur in the line of duty on or after such date."

**EFFECTIVE DATE OF 2001 AMENDMENT**

Pub. L. 107–56, title VI, §613(b), Oct. 26, 2001, 115 Stat. 375, provided that: "The amendment made by subsection (a) [amending this section] shall apply to any death or disability occurring on or after January 1, 2001."

**EFFECTIVE DATE OF 1992 AMENDMENT**

Section 2 of Pub. L. 102–520 provided that: "The amendments made by section 1 of this Act [amending this section] shall apply with respect to injuries occurring on or after November 29, 1990, using the calculation method used to determine benefits under section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (subsec. (a) of this section)."

**EFFECTIVE DATE OF 1990 AMENDMENT**

Section 1303 of title XIII of Pub. L. 101–647 provided that: "The amendments made by this title [amending this section and sections 3796a and 3796b of this title] shall take effect upon enactment [Nov. 29, 1990] and shall not apply with respect to injuries occurring before the effective date of such amendments."

**EFFECTIVE DATE OF 1988 AMENDMENT**

Section 6105(e) of Pub. L. 100–690 provided that: "The amendments made by this section [amending this section and section 3796b of this title] shall take effect on June 1, 1988."

**EFFECTIVE DATE**


§3796a. Limitations on benefits

No benefit shall be paid under this subchapter—

(1) if the death or catastrophic injury was caused by the intentional conduct of the public safety officer or by such officer's intention to bring about his death or catastrophic injury;

(2) if the public safety officer was voluntarily intoxicated at the time of his death or catastrophic injury;

(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his death or catastrophic injury;

(4) to any individual who would otherwise be entitled to a benefit under this subchapter if...
such individual's actions were a substantial contributing factor to the death or catastrophic injury of the public safety officer; or
(5) with respect to any individual employed in a capacity other than a civilian capacity.


PRIOR PROVISIONS


AMENDMENTS

2006—Par. (5). Pub. L. 109–162 inserted “with respect” before “to any individual”.

EFFECTIVE DATE OF 1990 AMENDMENT


§ 3796a–1. National programs for families of public safety officers who have died in line of duty

The Director is authorized to use no less than $150,000 of the funds appropriated for this subchapter to establish national peer support and counseling programs to assist families of public safety officers who have died in the line of duty.


PRIOR PROVISIONS

A prior section 1203 of Pub. L. 90–351 was renumbered section 1204 and is classified to section 3796b of this title.


AMENDMENTS

1998—Pub. L. 105–180 amended text generally. Prior to amendment, text read as follows: “The Director is authorized and directed to use up to $150,000 of the funds appropriated for this subchapter to establish national programs to assist the families of public safety officers who have died in the line of duty.”

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

§ 3796b. Definitions

As used in this subchapter—
(1) “catastrophic injury” means consequences of an injury that permanently prevent an individual from performing any gainful work;
(2) “chaplain” includes any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;
(3) “child” means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer’s death, is—
(i) 18 years of age or under;
(ii) over 18 years of age and a student as defined in section 6101 of title 5; or
(iii) over 18 years of age and incapable of self-support because of physical or mental disability;
(4) “firefighter” includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department;
(5) “intoxication” means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—
(i) a post-mortem blood alcohol level of .20 per centum or greater; or
(ii) a post-mortem blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death;
(6) “law enforcement officer” means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency), including, but not limited to, police, corrections, probation, parole, and judicial officers;
(7) “member of a rescue squad or ambulance crew” means an officially recognized or designated public employee member of a rescue squad or ambulance crew;
(8) “public agency” means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

1 So in original. The period probably should not appear.

Prior section 1204 of Pub. L. 90–351 was renumbered section 1205 and is classified to section 3796c of this title.

Amendments

2006—Par. (4). Pub. L. 109–162, § 1164(a)(3), struck out “and an officially recognized or designated public employee member of a rescue squad or ambulance crew” before semicolon at end.


Pars. (7) to (9). Pub. L. 109–162, §1164(a)(1), (2), added par. (7) and redesignated former pars. (7) and (8) as (8) and (9), respectively.

2002—Pars. (2) to (7). Pub. L. 107–196, §2(a)(1), (2), added par. (2) and redesignated former pars. (2) to (6) as (3) to (7), respectively. Former par. (7) redesignated (8).


2000—Par. (7). Pub. L. 106–390 added par. (7) and struck out former par. (7) which read as follows: “public safety officer means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, a firefighter, or rescue squad or ambulance crew”.

1994—Par. (3). Pub. L. 103–322 struck out before semicolon at end “who was responding to a fire, rescue or police emergency”.


Par. (2). Pub. L. 101–447, §1302, which directed amendment of par. (2) by inserting a period after “ambulance crew” and striking out “who was responding to a fire, rescue or police emergency”., could not be executed because the phrases “ambulance crew” and “who was responding to a fire, rescue or police emergency.” did not appear in text of par. (2).

Pub. L. 101–647, §1301(c)(1), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pars. (3) to (7). Pub. L. 101–647, §1301(c)(1), redesignated pars. (2) to (6) as (3) to (7), respectively.

1988—Pars. (2) to (7). Pub. L. 100–690, §610(d), redesignated pars. (3) to (7) as (2) to (6), respectively, and struck out former par. (2) defining a “dependent” as any individual substantially reliant for support upon income of deceased public safety officer.

1986—Pub. L. 99–500 and Pub. L. 99–591 inserted “and an officially recognized or designated public employee member of a rescue squad or ambulance crew who was responding to a fire, rescue or police emergency” in par. (3), and substituted “a firefighter, or rescue squad or ambulance crew” for “or a firefighter.” in par. (7).

CHANGE OF NAME


Effective Date of 2002 Amendment

Amendment by Pub. L. 107–196 effective Sept. 11, 2001, and applicable to injuries or deaths that occur in the line of duty on or after such date, see section 2(c) of Pub. L. 107–196, set out as a note under section 3796 of this title.
§ 3796c  TITLE 42—THE PUBLIC HEALTH AND WELFARE  Page 5062

Effective date of 2000 amendment

Pub. L. 106–390, title III, §305(b), Oct. 30, 2000, 114 Stat. 1574, provided that: “The amendment made by subsection (a) [amending this section] applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 [subpars. (B) and (C) of par. (7) of this section] (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of the enactment of this Act [Oct. 30, 2000].”

Effective date of 1998 amendment

Amendment by Pub. L. 101–647 effective June 1, 1988, see section 6105(e) of Pub. L. 100–690, set out as a note under section 3796 of this title.

Transfer of functions

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Termination of Trust Territory of the Pacific Islands

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 3796c. Administrative provisions

(a) Rules, regulations, and procedures

The Bureau is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this subchapter. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this subchapter. Rules, regulations, and procedures issued under this subchapter may include regulations governing the recognition of agents or other persons representing claimants under this subchapter before the Bureau. The Bureau may prescribe the maximum fees which may be charged for services performed in connection with any claim under this subchapter before the Bureau, and any agreement in violation of such rules and regulations shall be void.

(b) Use of State and local administrative and investigative assistance

In making determinations under section 3796 of this title, the Bureau may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Bureau.

(c) Use of appropriated funds to conduct appeals

Notwithstanding any other provision of law, the Bureau is authorized to use appropriated funds to conduct appeals of public safety officers’ death and disability claims.


Prior provisions


Amendments


§ 3796c–1. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack

(a) In general

Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) Definitions

For purposes of this section, the terms “catastrophic injury”, “public agency”, and “public safety officer” have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).


References in text

this part. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

Codification
Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

§ 3796c–2. Funds available for appeals and expenses of representation of hearing examiners

On and after December 26, 2007, funds available to conduct appeals under section 1205(c) of the 1968 Act [42 U.S.C. 3796c(c)], which includes all claims processing, shall be available also for the same under subpart 2 of such part L [42 U.S.C. 3796d et seq.] and under any statute authorizing payment of benefits described under subpart 1 [42 U.S.C. 3796 et seq.] thereof, and for appeals from final decisions of the Bureau (under such part or any such statute) to the Court of Appeals for the Federal Circuit, which shall have exclusive jurisdiction thereof (including those, and any related matters, pending), and for expenses of representation of hearing examiners (who shall be presumed irrebuttably to enjoy quasi-judicial immunity in the discharge of their duties under such part or any such statute) in connection with litigation against them arising from such discharge.


References in Text
The 1968 Act, referred to in text, is the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90–351, 82 Stat. 197. Section 1205(c) of the Act is classified to section 3796c(c) of this title. Subparts 1 and 2 of such part L means subparts 1 and 2 of part L of title I of the Act which are classified generally to this part and part B (§3796d et seq.) of this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

Codification
Section was enacted as part of the Department of Justice Appropriations Act, 2008, and also as part of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008, and the Consolidated Appropriations Act, 2008, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

Part B—Educational Assistance to Dependents of Civilian Federal Law Enforcement Officers Killed or Disabled in Line of Duty

§ 3796d. Purposes

The purposes of this part are—

(1) to enhance the appeal of service in public safety agencies;

(2) to extend the benefits of higher education to qualified and deserving persons who, by virtue of the death of or total disability of an eligible officer, may not be able to afford it otherwise; and

(3) to allow the family members of eligible officers to attain the vocational and educational status which they would have attained had a parent or spouse not been killed or disabled in the line of duty.


Amendments

§ 3796d–1. Basic eligibility

(a) Benefits

(1) Subject to the availability of appropriations, the Attorney General shall provide financial assistance to a dependent who attends a program of education and is—

(A) the child of any eligible public safety officer under part A of this subchapter; or

(B) the spouse of an officer described in subparagraph (A) at the time of the officer’s death or on the date of a totally and permanently disabling injury.

(2) Except as provided in paragraph (3), financial assistance under this part shall consist of direct payments to an eligible dependent and shall be computed on the basis set forth in section 3332 of title 38.

(3) The financial assistance referred to in paragraph (2) shall be reduced by the sum of—

(A) the amount of educational assistance benefits from other Federal, State, or local governmental sources to which the eligible dependent would otherwise be entitled to receive; and

(B) the amount, if any, determined under section 3796d–3(b) of this title.

(b) Duration of benefits

No dependent shall receive assistance under this part for a period in excess of forty-five months of full-time education or training or a proportional period of time for a part-time program.

(c) Age limitation for dependent children

No dependent child shall be eligible for assistance under this part after the child’s 27th birthday.


Amendments


§ 3796d–2. Applications; approval

(a) Application

A person seeking assistance under this part shall submit an application to the Attorney
General in such form and containing such information as the Attorney General reasonably may require.

(b) Approval
The Attorney General shall approve an application for assistance under this part unless the Attorney General finds that—

(1) the dependent is not eligible for, is no longer eligible for, or is not entitled to the assistance for which application is made;
(2) the dependent’s selected educational institution fails to meet a requirement under this part for eligibility;
(3) the dependent’s enrollment in or pursuit of the educational program selected would fail to meet the criteria established in this part for programs; or
(4) the dependent already is qualified by previous education or training for the educational, professional, or vocational objective for which the educational program is offered.

(c) Notification
The Attorney General shall notify a dependent applying for assistance under this part of approval or disapproval of the application in writing.


§ 3796d–3. Regulations

(a) In general
The Attorney General may promulgate reasonable and necessary regulations to implement this part.

(b) Sliding scale
Notwithstanding section 3796d–2(b) of this title, the Attorney General shall issue regulations regarding the use of a sliding scale based on financial need to ensure that an eligible dependent who is in financial need receives priority in receiving funds under this part.


AMENDMENTS


§ 3796d–4. Discontinuation for unsatisfactory conduct or progress
The Attorney General may discontinue assistance under this part when the Attorney General finds that, according to the regularly prescribed standards and practices of the educational institution, the recipient fails to maintain satisfactory progress as described in section 1091(c) of title 20.


§ 3796d–5. Special rule

(a) Retroactive eligibility
Notwithstanding any other provision of law, each dependent of a Federal law enforcement officer killed in the line of duty on or after January 1, 1978,1 and each dependent of a public safety officer killed in the line of duty on or after January 1, 1978, shall be eligible for assistance under this part, subject to the other limitations of this part.

(b) Retroactive assistance
The Attorney General may provide retroactive assistance to dependents eligible under this section for each month in which the dependent pursued a program of education at an eligible educational institution. The Attorney General shall apply the limitations contained in this part to retroactive assistance.

(c) Prospective assistance
The Attorney General may provide prospective assistance to dependents eligible under this section on the same basis as assistance to dependents otherwise eligible. In applying the limitations on assistance under this part, the Attorney General shall include assistance provided retroactively. A dependent eligible under this section may waive retroactive assistance and apply only for prospective assistance on the same basis as dependents otherwise eligible.


AMENDMENTS


Effective Date of 2000 Amendment

§ 3796d–6. Definitions
For purposes of this part:

(1) The term “Attorney General” means the Attorney General of the United States.
(2) The term “program of education” means any curriculum or any combination of unit courses or subjects pursued at an eligible educational institution, which generally is accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. It includes course work for the attainment of more than one objective if in addition to the previous requirements, all the objectives generally are recognized as reasonably related to a single career field.

(3) The term “eligible educational institution” means an institution which—
(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on October 3, 1996; and
(B) is eligible to participate in programs under title IV of such Act [20 U.S.C. 1070 et seq. and 42 U.S.C. 2751 et seq.].

1 So in original.
REFERENCES IN TEXT
The Higher Education Act of 1965, referred to in par. (3)(b), is Pub. L. 89–329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education, and part C (§1271 et seq.) of subchapter I of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under chapter 34 of this title.

AMENDMENTS
1986—Pars. (2) to (4), Pub. L. 100–390 redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: "The term ‘Federal law enforcement officer’ has the same meaning as under part A of this subchapter.”

§ 3796d–7. Authorization of appropriations
There are authorized to be appropriated to carry out this part such sums as may be necessary.


SUBCHAPTER XII–A—REGIONAL INFORMATION SHARING SYSTEMS

PRIORITY PROVISIONS
A prior subchapter XII–A, consisted of sections 3796h to 3796s, related to grants for law enforcement programs, prior to repeal by Pub. L. 100–690, title VI, §1001(a), Nov. 18, 1988, 102 Stat. 4330. For similar provisions, see subchapter V of this chapter.


Section 3796m, Pub. L. 90–931, title I, §1306, as added Pub. L. 99–570, title I, §1552(a)(3), Oct. 27, 1986, 100 Stat. 3207–44, required each State and unit of local government receiving drug law enforcement grants to report each year to the Director and required Director to report annually to Congress.


§ 3796h. Regional information sharing systems grants

(a) Authority of Director

The Director of the Bureau of Justice Assistance is authorized to make grants and enter into contracts with State, tribal, and local criminal justice agencies and nonprofit organizations for the purposes of identifying, targeting, and removing criminal conspiracies and activities and terrorist conspiracies and activities spanning jurisdictional boundaries.

(b) Purposes

Grants and contracts awarded under this subchapter shall be made for—

(1) maintaining and operating regional information sharing systems that are responsive to the needs of participating enforcement agencies in addressing multijurisdictional offenses and conspiracies, and that are capable of providing controlling input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies;

(2) establishing and operating an analytical component to assist participating agencies and projects in the compilation, interpretation, and presentation of information provided to a project;

(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, tribal, and local law enforcement agencies;

(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and

(5) other programs designated by the Director that are designed to further the purposes of this subchapter.

(c) Rules and regulations

The Director is authorized to promulgate such rules and regulations as are necessary to carry out the purposes of this section, including rules and regulations for submitting and reviewing applications.

(d) Authorization of appropriation to the Bureau of Justice Assistance

There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section $50,000,000 for fiscal year 2002 and $100,000,000 for fiscal year 2003.

PRIOR PROVISIONS


For other prior sections 1301 of Pub. L. 90–351 and prior section 3796h of this title, see note set out preceding this section.

AMENDMENTS


Subsec. (b)(3). Pub. L. 109–162, §1114(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “establishing and maintaining a telecommunication of the information sharing and analytical programs in clauses (1) and (2)”;.


Subsec. (b)(4), (5). Pub. L. 107–56, §701(2), added par. (4) and redesignated former par. (4) as (5).


CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111–211, title II, §252(b), July 29, 2010, 124 Stat. 2299, provided that: “Nothing in this section [amending this section] or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.”

[For definition of “Indian tribe” as used in section 252(b) of Pub. L. 111–211, set out above, see section 203(a) of Pub. L. 111–211, set out as a note under section 2801 of Title 25, Indians.]

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 5742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106–113, set out as a note under section 5741 of this title.

§ 3796aa—1. Description of grant program

The Director is authorized to make grants to provide equipment and personnel training for the closed-circuit televising and video taping of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children.


AMENDMENTS

1994—Pub. L. 103–322 struck out “to States, for the use of States and units of local government in the States” after “make grants”.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 5742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106–113, set out as a note under section 5741 of this title.

§ 3796aa–2. Applications to receive grants

To request a grant under section 3796aa–1 of this title, the chief executive officer of a State or unit of local government shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

(1) a certification that Federal funds made available under section 3796aa–1 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of such funds, be made available for criminal proceedings for the violation of laws relating to the abuse of children; and

(2) a certification that funds required to pay the non-Federal portion of the cost of equipment and personnel training for which such grant is made shall be in addition to funds that would otherwise be made available by the recipients of grant funds for criminal proceedings for the violation of laws relating to the abuse of children.


AMENDMENTS

1994—Pub. L. 103–322, in introductory provisions inserted “or unit of local government” after “of a State”, in par. (1) inserted “and” at end, in par. (2) substituted a period for the semicolon at end, and struck out pars. (3) and (4) which read as follows:

“(3) an assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed
to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted; and

(4) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.’’

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3792(c) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, § 108(b)] of Pub. L. 106–113, set out as a note under section 5741 of this title.

§ 3796aa–3. Review of applications
(a) Eligibility for grants
An applicant is eligible to receive a grant under this subchapter if—

(1) the applicant certifies and the Director determines that there is in effect in the State a law that permits the closed-circuit televising and video taping of testimony of children in criminal proceedings for the violation of laws relating to the abuse of children; and

(2) the applicant certifies and the Director determines that State law meets the following criteria:

(A) the judges determination that a child witness will be traumatized by the presence of the defendant must be made on a case-by-case basis;

(B) the trauma suffered must be more than de minimis;

(C) the child witness must give his/her statements under oath;

(D) the child witness must submit to cross-examination; and

(E) the finder of fact must be permitted to observe the demeanor of the child witness in making his or her statement and the defendant must be able to contemporaneously communicate with his defense attorney; and

(3) the Director determines that the application submitted under section 3796aa–1 of this title or amendment to such application is consistent with the requirements of this chapter.

(b) Applications deemed approved
Each application or amendment made and submitted for approval to the Director pursuant to section 3796aa–2 of this title shall be deemed approved, in whole or in part, by the Director not later than 60 days after first received unless the Director informs the applicant of specific reasons for disapproval.

(c) Reconsideration of applications
The Director shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

(A) AMENDMENTS

1994—Subsec. (a). Pub. L. 103–322, § 40156(c)(4)(A)(I), (vii), substituted “An applicant is eligible to receive a grant under this subchapter if—’’ for “The Bureau shall provide financial assistance to each State applicant under section 3796aa–1 of this title to provide equipment and personnel training for the closed-circuit televising and video taping of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children, upon determining that’’ in introductory provisions and designated concluding provisions as subsec. (b). See below.

Subsec. (a)(1). Pub. L. 103–322, § 40156(c)(4)(A)(II), substituted “the applicant certifies and the Director determines that there is in effect in the State’’ for “there is in effect in such State’’.

Subsec. (a)(2). Pub. L. 103–322, § 40156(c)(4)(A)(III), in introductory provisions substituted “the applicant certifies and the Director determines that State law meets’’ for “such State law shall meet’’.

Subsec. (a)(2)(E). Pub. L. 103–322, § 40156(c)(4)(A)(IV), which directed the insertion of “and’’ at the end of “subparagraph (E)’’, without indicating which paragraph of subsec. (a) was to be amended, was executed by making the insertion at end of par. (2)(E) to reflect the probable intent of Congress.

Subsec. (a)(3). Pub. L. 103–322, § 40156(c)(4)(A)(V), inserted “the Director determines that’’ before “the application’’ and substituted a period for ‘‘; and’’ at end.

Subsec. (a)(4). Pub. L. 103–322, § 40156(c)(4)(A)(VI), struck out par. (4) which read as follows: “before the approval of such application and any amendment therefor, the Bureau has made an affirmative finding in writing that such equipment and personnel training has been reviewed in accordance with section 3796aa–2 of this title.’’

Subsec. (b). Pub. L. 103–322, § 40156(c)(4)(A)(VII), (viii), designated concluding provisions of subsec. (a) as subsec. (b) and substituted “the Director’’ for “the Bureau’’ wherever appearing. Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 103–322, § 40156(c)(4)(B), redesignated subsec. (b), relating to reconsideration of applications, as (c) and substituted “the Director’’ for “The Bureau’’.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3792(c) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, § 108(b)] of Pub. L. 106–113, set out as a note under section 5741 of this title.


§ 3796aa–5. Reports
(a) Each State or unit of local government that receives a grant under this subchapter shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

(1) a summary of the activities carried out with such grant, and an assessment of the impact of such activities on their intended need; identified in the application submitted under section 3796aa–2 of this title; and

(2) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.
(b) Not later than 90 days after the end of each fiscal year for which grants are made under this subchapter, the Director shall submit to the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of grants made under this chapter to the State and units of local government in the State for such fiscal year; and

(2) a summary of the information provided in compliance with subsection (a)(1) of this section.


AMENDMENTS

1994—Subsec. (a). Pub. L. 103–322, § 40156(c)(6)(A)(i), (ii), substituted “State or unit of local government that” for “State which” and “subchapter” for “chapter” in introductory provisions.


Subsec. (b)(1). Pub. L. 103–322, § 40156(c)(6)(B), substituted “the State and units of local government in the State” for “such State”.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which item 13 on page 121 identifies a reporting provision which, as subsequently amended, is contained in subsec. (b) of this section), see section 3003 of Pub. L. 106–113, set out as a note under section 3741 of this title.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, § 106(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

§ 3796aa–6. Expenditure of grants; records

(a) Identified uses

A grant made under this subchapter may not be expended for more than 75 percent of the cost of the identified uses, in the aggregate, for which such grant is received to carry out section 3796aa–1 of this title, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

(b) Administration

Not more than 10 percent of a grant made under this subchapter may be used for costs incurred to administer such grant.

(c) Records

(1) Grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) shall keep such records as the Director may require by rule to facilitate such an audit.

(2) The Director and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) if, in the opinion of the Director or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

(d) Utilization of private sector

Nothing in this subchapter shall prohibit the utilization of any grant funds to contract with a private organization to provide equipment or training for the televising of testimony as contemplated by the application submitted by an applicant.


AMENDMENTS

1994—Subsec. (c)(1). Pub. L. 103–322, § 40156(c)(7)(A)(i), substituted “Grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) shall keep such records as the Director may require by rule to facilitate such an audit.” for “Each State which receives a grant under this chapter shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Director may require by rule to facilitate an effective audit.”

Subsec. (c)(2). Pub. L. 103–322, § 40156(c)(7)(A)(ii), substituted “grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds)” for “States which receive grants, and of units of local government which receive any part of a grant made under this subchapter”.


TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, § 106(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.


Section, Pub. L. 90–351, title I, § 1408, as added Pub. L. 101–647, title II, § 241(a)(2), Nov. 29, 1990, 104 Stat. 4813, directed the chief executive of each participating State to designate a State office for purposes of applying for and administering funds under this subchapter.

§ 3796aa–8. Definitions

For purposes of this subchapter—

(1) the term “child” means an individual under the age of 18 years; and

(2) the term “abuse” means physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.

SUBCHAPTER XII–C—RURAL DRUG ENFORCEMENT

§ 3796bb. Rural drug enforcement assistance

(a) Of the total amount appropriated for this section in any fiscal year:

(1) 50 percent shall be allocated to and shared equally among rural States as described in subsection (b) of this section; and

(2) 50 percent shall be allocated to the remaining States for use in nonmetropolitan areas within those States, as follows:

(A) $250,000 to each nonrural State; and

(B) of the total funds remaining after the allocation in subparagraph (A), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described as the population of such State bears to the population of all States.

(b) For the purpose of this section, the term "rural State" means a State that has a population density of fifty-two or fewer persons per square mile or a State in which the largest county has fewer than one hundred and fifty thousand people, based on the decennial census of 1990 through fiscal year 1997.


PRIORITY PROVISIONS

A prior section 1501 of Pub. L. 90–351 was renumbered section 2601 and is classified to section 3797 of this title.

Another section 1501 of Pub. L. 90–351, title X, June 19, 1968, 82 Stat. 238, was not classified to the Code.

AMENDMENTS


§ 3796bb–1. Other requirements

Parts A and C of subchapter V of this chapter shall apply with respect to funds appropriated to carry out this subchapter, in the same manner as such parts apply to funds appropriated to carry out subchapter V of this chapter, except that—

(1) section 3755(a) of this title shall not apply with respect to this subchapter; and

(2) in addition to satisfying the requirements of section 3752 of this title, each application for a grant under this subchapter shall include in its application a statement specifying how such grant will be coordinated with a grant received under section 3755 of this title for the same fiscal year.


AMENDMENTS

2006—Par. (1). Pub. L. 109–162, §1111(c)(2)(G)(ii), substituted "section 3752" for "section 3755(a)" and "section 3755" for "section 3755(a)".

Par. (2). Pub. L. 109–162, §1111(c)(2)(G)(ii), substituted "section 3752" for "section 3758(a)" and "section 3755" for "section 3755(a)".

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109–162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as a note under section 3750 of this title.

SUBCHAPTER XII–D—CRIMINAL CHILD SUPPORT ENFORCEMENT

§ 3796cc. Grant authorization

(a) In general

The Director of the Bureau of Justice Assistance may make grants under this subchapter to States, for the use by States, and local entities in the States to develop, implement, and enforce criminal interstate child support legislation and coordinate criminal interstate child support enforcement efforts.

(b) Uses of funds

Funds distributed under this subchapter shall be used to—

(1) develop a comprehensive assessment of existing criminal interstate child support enforcement efforts, including the identification of gaps in, and barriers to, the enforcement of such efforts;

(2) plan and implement comprehensive long-range strategies for criminal interstate child support enforcement;

(3) reach an agreement within the State regarding the priorities of such State in the enforcement of criminal interstate child support legislation;

(4) develop a plan to implement such priorities; and

(5) coordinate criminal interstate child support enforcement efforts.


CODIFICATION


PRIORITY PROVISIONS

A prior section 1601 of Pub. L. 90–351 was renumbered section 2601 and is classified to section 3797 of this title.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

§ 3796cc–1. State applications

(a) In general

(1) To request a grant under this subchapter, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

(2) An application under paragraph (1) shall include assurances that Federal funds received
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under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subchapter.

(b) State office
The office responsible for the trust fund required by section 3757 of this title—
(1) shall prepare the application required under this section; and
(2) shall administer grant funds received under this subchapter, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.


AMENDMENTS
2006—Subsec. (b). Pub. L. 109–162 substituted “The office responsible for the trust fund required by section 3757 of this title” for “The office designated under section 3757 of this title”.

EFFECTIVE DATE OF 2006 AMENDMENT
Amendment by Pub. L. 109–162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as a note under section 3750 of this title.

TRANSFER OF FUNCTIONS
Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, § 108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

§ 3796cc-3. Local applications
(a) In general
(1) To request funds under this subchapter from a State, the chief executive of a local entity shall submit an application to the office designated under section 3796cc–1(b) of this title.
(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.
(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.
(4) If an application under paragraph (1) is approved, the local entity is eligible to receive funds under this subchapter.

(b) Distribution to local entities
A State that receives funds under section 3796cc of this title in a fiscal year shall make such funds available to a local entity with an approved application within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy the requirement of the preceding sentence under State statutes.


§ 3796cc-4. Distribution of funds
The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the project described in the application submitted under section 3796cc–1(a) of this title for the fiscal year for which the project receives assistance under this subchapter.


§ 3796cc-5. Evaluation
(a) In general
(1) Each State and local entity that receives a grant under this subchapter shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the Director of the National Institute of Justice.
(2) The Director may waive the requirement specified in subsection (a) of this section if the Director determines that such evaluation is not warranted in the case of the State or local entity involved.

(b) Distribution
The Director shall make available to the public on a timely basis evaluations received under subsection (a) of this section.

(c) Administrative costs
A State or local entity may use not more than 5 percent of the funds it receives under this subchapter to develop an evaluation program under this section.

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 5742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1606, title I, §1608(b)(1) [title I, §108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

§ 3796cc–6. “Local entity” defined

For purposes of this subchapter, the term “local entity” means a child support enforcement agency, law enforcement agency, prosecuting attorney, or unit of local government.


SUBCHAPTER XII–E—PUBLIC SAFETY AND COMMUNITY POLICING; “COPS ON THE BEAT”

§ 3796dd. Authority to make public safety and community policing grants

(a) Grant authorization

The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b) of this section.

(b) Uses of grant amounts

The purposes for which grants made under subsection (a) of this section may be made are—

(1) to rehire law enforcement officers who have been laid off as a result of State, tribal, or local budget reductions for deployment in community-oriented policing;

(2) to hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

(3) to procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

(4) to award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;

(5) to increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

(6) to provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

(7) to increase police participation in multi-disciplinary early intervention teams;

(8) to develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State, tribal, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;

(9) to develop and implement innovative programs to permit members of the community to assist State, tribal, and local law enforcement agencies in the prevention of crime in the community, such as a citizens’ police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

(10) to establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

(11) to establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

(12) to establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;

(13) to develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy;

(14) to assist a State or Indian tribe in enforcing a law throughout the State or tribal community that requires that a convicted sex offender register his or her address with a State, tribal, or local law enforcement agency and be subject to criminal prosecution for failure to comply;

(15) to establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members;

(16) to support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers’ initial redeployment to community-oriented policing; and

(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16).

(c) Preferential consideration of applications for certain grants

In awarding grants under this subchapter, the Attorney General may give preferential consideration, where feasible, to applications for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (g) of this section.
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(d) Technical assistance

(1) In general

The Attorney General may provide technical assistance to States, units of local government, Indian tribal governments, and to other public and private entities, in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(2) Model

The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

(3) Training centers and facilities

The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(e) Utilization of components

The Attorney General may utilize any component or components of the Department of Justice in carrying out this subchapter.

(f) Minimum amount

Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) of this section have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) of this section not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, “qualifying State” means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this subchapter.

(g) Matching funds

The portion of the costs of a program, project, or activity provided by a grant under subsection (a) of this section may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 3796dd–1(c)(8) of this title.

(h) Allocation of funds

The funds available under this subchapter shall be allocated as provided in section 3793(a)(11)(B) of this title.

(i) Termination of grants for hiring officers

Except as provided in subsection (j), the authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from September 13, 1994. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this subchapter and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

(j) Grants to Indian Tribes

(1) In general

Notwithstanding subsection (i) and section 3796dd–2 of this title, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

(2) Priority of funding

In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

(3) Federal share

Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

(A) shall be 100 percent; and

(B) may be used to cover indirect costs.

(4) Authorization of appropriations

There is authorized to be appropriated to carry out this subsection $40,000,000 for each of fiscal years 2011 through 2015.

(k) Report

Not later than 180 days after July 29, 2010, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—
may be made are—” for “Grant made under subsection (a) of this section may include programs, projects, and other activities to—” in introductory provisions.

Subsec. (b)(4) redesignated former subsec. (d) as (b) and struck out former subsec. (b) which related to rehiring, hiring, and initial redeployment of career law enforcement officers.

Subsec. (b)(3) redesignated former (b)(2), redesignated former (b)(1) to (4). Former (b)(1) to (4) redesignated (6) to (9), respectively.

Subsec. (b)(5) redesignated former (b)(4) and redesignated amendment number. Prior to amendment, (b)(4) read as follows: “The purposes of this Act as to reorienting the emphasis of their activities from reacting to crime to preventing crime”.

Former (b)(9) redesignated (14).

Subsec. (b)(10) to (17). Pub. L. 109–162 added par. (10) and redesignated former pars. (10) and (11) as (11) and (12), respectively.

Subsec. (b)(8) to (11). Pub. L. 105–302 added par. (11) and redesignated former par. (8) as (11), respectively.

2006—Subsec. (b) (A). Pub. L. 109–162, § 1163(a)(1), reenacted subsec. heading without change and amended text generally. Prior to amendment, text read as follows: “The Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.”

Subsec. (b), (k) Pub. L. 109–162, § 1163(a)(3)(A), substituted “the purposes of grant amounts for ‘grant projects’” in subsec. heading and “The purposes for which grants made under subsection (a) of this section...” for “for ‘grant amounts for ‘grant projects’” in subsec. heading.

References in Text


Prior Provisions

A prior section 1701 of Pub. L. 90–251 was renumbered section 2601 and is classified to section 3796dd of this title.

Amendments


Subsec. (b)(1). Pub. L. 111–211, § 243(1)(B), substituted “State, tribal, or” for “State and”.

Subsec. (b)(5) to (8). Pub. L. 111–211, § 243(3)(G), redesignated pars. (6) to (9) as (5) to (8), respectively.


Subsec. (b)(11) to (14). Pub. L. 111–211, § 243(1)(G), redesignated pars. (12) to (15) as (11) to (14), respectively.

Former par. (15) redesignated (14).


Subsec. (c). Pub. L. 111–211, § 243(1)(D), substituted “a State or Indian tribe” for “a State in”, “the State or tribal community that” for “the State which”, and “a State, tribal, or local” for “a State or local”.


Former par. (16) redesignated (15).

Subsec. (c). Pub. L. 111–211, § 243(2), substituted “Except as provided in subsection (j), the authority for ‘The authority’.

Subsecs. (j), (k). Pub. L. 111–211, § 243(3), added subsecs. (j) and (k).

2006—Subsec. (a). Pub. L. 109–162, § 1163(a)(1), reenacted subsec. heading without change and amended text generally. Prior to amendment, text read as follows: “The Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.”

Subsec. (b). Pub. L. 109–162, § 1163(a)(3)(A), substituted “Grants made under subsection (a) of this section...” for “Grants made under subsection (a) of this section...” in subsec. heading and “The purposes for which grants made under subsection (a) of this section...” for “for ‘Grants made under subsection (a) of this section...” in subsec. heading.
Section 3796dd-1. Applications

(a) In general

No grant may be made under this subchapter unless an application has been submitted to, and approved by, the Attorney General.

(b) Application

An application for a grant under this subchapter shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

(c) Contents

In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this subchapter shall—

1. include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies;
2. demonstrate a specific public safety need;
3. explain the applicant’s inability to address the need without Federal assistance;
4. identify related governmental and community initiatives which complement or will be coordinated with the proposal;
5. certify that there has been appropriate coordination with all affected agencies;
6. outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;
7. specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support;
8. if the application is for a grant for hiring or rehiring additional career law enforcement officers, specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the conclusion of Federal support; and
9. assess the impact, if any, of the increase in police resources on other components of the criminal justice system;
10. explain how the grant will be utilized to reinforce the affected law enforcement agency’s mission toward community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and
11. provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within the sworn positions in the law enforcement agency.

(d) Special provisions

(1) Small jurisdictions

Notwithstanding any other provision of this subchapter, in relation to applications under this subchapter of units of local government or law enforcement agencies having jurisdiction over areas with populations of less than 50,000, the Attorney General may waive 1 or more of the requirements of subsection (c) of this section and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

(2) Small grant amount

Notwithstanding any other provision of this subchapter, in relation to applications under section 3796dd(b) of this title for grants of less than $1,000,000, the Attorney General may waive 1 or more of the requirements of subsection (c) of this section and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.
(2) Indian tribal governments

Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subchapter.

(e) Hiring costs

Funding provided under this subchapter for hiring or rehiring a career law enforcement officer may not exceed $75,000, unless the Attorney General grants a waiver from this limitation.

§ 3796dd–4. Performance evaluation

(a) Monitoring components

Each program, project, or activity funded under this subchapter shall contain a monitoring component, developed pursuant to guidelines established by the Attorney General. The monitoring required by this subsection shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

(b) Evaluation components

Selected grant recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Attorney General. Such evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

(c) Periodic review and reports

The Attorney General may require a grant recipient to submit to the Attorney General the results of the monitoring and evaluations required under subsections (a) and (b) of this section and such other data and information as the Attorney General deems reasonably necessary.

§ 3796dd–5. Revocation or suspension of funding

If the Attorney General determines, as a result of the reviews required by section 3796dd–4 of this title, or otherwise, that a grant recipient under this subchapter is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 3796dd–1 of this title, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

AMENDMENTS


EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 1111(c)(2)(I) of Pub. L. 109–162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as a note under section 3796 of this title.

§ 3796dd–2. Renewal of grants

(a) In general

Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this subchapter may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives its initial grant, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

(b) Grants for hiring

Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, subject to the requirements of subsection (a) of this section, but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

(c) Multiyear grants

A grant for a period exceeding 1 year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed 3 years, or 5 years if it is a grant made for hiring or rehiring additional career law enforcement officers.

§ 3796dd–3. Limitation on use of funds

(a) Nonsupplanting requirement

Funds made available under this subchapter to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this subchapter, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

(b) Non-Federal costs

(1) In general

States and units of local government may use assets received through the Assets Forfeiture equitable sharing program to provide the non-Federal share of the cost of programs, projects, and activities funded under this subchapter.
§ 3796dd-6. Access to documents

(a) By Attorney General

The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this subchapter and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this subchapter.

(b) By Comptroller General

Subsection (a) of this section shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

§ 3796dd-7. General regulatory authority

The Attorney General may promulgate regulations and guidelines to carry out this subchapter.

§ 3796dd-8. Definitions

In this subchapter—

1. “career law enforcement officer” means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.

2. “citizens’ police academy” means a program by local law enforcement agencies or private nonprofit organizations in which citizens, especially those who participate in neighborhood watch programs, are trained in ways of facilitating communication between the community and local law enforcement in the prevention of crime.

3. “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

4. “school resource officer” means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations—

(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

(B) to develop or expand crime prevention efforts for students;

(C) to educate likely school-age victims in crime prevention and safety;

(D) to develop or expand community justice initiatives for students;

(E) to train students in conflict resolution, restorative justice, and crime awareness;

(F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

(G) to assist in developing school policy that addresses crime and to recommend procedural changes.


RECENT AMENDMENTS


SUBCHAPTER XII–F—JUVENILE ACCOUNTABILITY BLOCK GRANTS

CODIFICATION


§ 3796ee. Program authorized

(a) In general

The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

(b) Authorized activities

Amounts paid to a State or a unit of local government under this subchapter shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

1. developing, implementing, and administering graduated sanctions for juvenile offenders;

2. building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

3. hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

4. hiring additional prosecutors, so that more cases involving violent juvenile offend-
ers can be prosecuted and case backlogs reduced;
(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;
(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;
(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;
(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;
(9) establishing and maintaining a system of juvenile records designed to promote public safety;
(10) establishing and maintaining inter-agency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;
(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;
(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;
(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include research-based bullying, cyberbullying, and gang prevention programs;
(14) establishing and maintaining restorative justice programs;
(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;
(16) hiring, detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming; or
(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful re-entry of juvenile offenders from State or local custody in the community.

(c) Definition
In this section the term “restorative justice program” means a program that emphasizes the moral accountability of an offender toward the victim and the affected community and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.


PRIOR PROVISIONS

A prior section 1801 of Pub. L. 90–351 was renumbered section 2601 and is classified to section 3797 of this title.

AMENDMENTS
2006—Subsec. (b)(13). Pub. L. 109–162, §1186, amended par. (13) generally. Prior to amendment, par. (13) read as follows: “establishing and maintaining accountability-based programs that are designed to enhance school safety;”.


EFFECTIVE DATE
Pub. L. 107–273, div. C, title II, §12102(b), Nov. 2, 2002, 116 Stat. 1869, provided that: “The amendments made by subsection (a) [enacting this subchapter] shall take effect on the first day of the first fiscal year that begins after the date of enactment of this Act [Nov. 2, 2002].”

§ 3796ee–1. Tribal grant program authorized
(a) In general
From the amount reserved under section 3796ee–10(b) of this title, the Attorney General shall make grants to Indian tribes for programs to strengthen tribal juvenile justice systems and to hold tribal youth accountable.

(b) Eligibility
Indian tribes, as defined by section 479a of title 25, or a consortia of such tribes, shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. Only tribes that carry out tribal juvenile justice functions shall be eligible to receive a grant under this section.

(c) Awards
The Attorney General shall award grants under this section on a competitive basis.

(d) Guidelines
The Attorney General shall issue guidelines establishing application, use, and award criteria consistent with the purposes and requirements of this Act.


REFERENCES IN TEXT
This Act, referred to in subsec. (d), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197, as amended, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see
§ 3796ee–2  TITLE 42—THE PUBLIC HEALTH AND WELFARE  Page 5078

Short Title note set out under section 3711 of this title and Tables.

Prior Provisions


§ 3796ee–2. Grant eligibility

(a) State eligibility

To be eligible to receive a grant under this subchapter, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

(1) information about—

(A) the activities proposed to be carried out with such grant; and

(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this subchapter, including the extent to which evidence-based approaches are utilized; and

(2) assurances that the State and any unit of local government to which the State provides funding under section 3796ee–3(b) of this title, has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (d) of this section.

(b) Local eligibility

(1) Subgrant eligibility

To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

(A) information about—

(i) the activities proposed to be carried out with such subgrant; and

(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this subchapter, including the extent to which evidence-based approaches are utilized; and

(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (d) of this section.

(2) Special rule

The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 3796ee–3(e) of this title, except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

(c) Role of courts

In the development of the grant application, the States and units of local governments shall take into consideration the needs of the judicial branch in strengthening the juvenile justice system and specifically seek the advice of the chief of the highest court of the State and where appropriate, the chief judge of the local court, with respect to the application.

(d) Graduated sanctions

A system of graduated sanctions, which may be discretionary as provided in subsection (e) of this section, shall ensure, at a minimum, that—

(1) sanctions are imposed on a juvenile offender for each delinquent offense;

(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

(4) appropriate consideration is given to public safety and victims of crime.

(e) Discretionary use of sanctions

(1) Voluntary participation

A State or unit of local government may be eligible to receive a grant under this subchapter if—

(A) its system of graduated sanctions is discretionary; and

(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

(2) Reporting requirement if graduated sanctions not used

(A) Juvenile courts

A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

(B) Units of local government

Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the State each year.

(C) States

Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).
(f) Definitions

In this section:

(1) Discretionary

The term “discretionary” means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

(2) Sanctions

The term “sanctions” means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.


Prior Provisions


A prior section 1802 of Pub. L. 90–351 was classified to section 3796ee–1 of this title prior to the general amendment of this subchapter by Pub. L. 107–273.

AMENDMENTS


§ 3796ee–3. Allocation and distribution of funds

(a) State allocation

(1) In general

In accordance with regulations promulgated pursuant to this subchapter and except as provided in paragraph (3), the Attorney General shall allocate—

(A) 0.50 percent for each State; and

(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

(2) Prohibition

No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) of this section may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

(b) Local distribution

(1) In general

Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) of this section in a fiscal year shall distribute among units of local government, for the purposes specified in section 3796ee of this title, not less than 75 percent of such amounts received.

(2) Waiver

If a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that—

(A) the State’s juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this subchapter (the “State percentage”) is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State’s calculation of expenditures under subparagraph (A), the State’s application for waiver under this paragraph, and the State’s proposed uses of funds.

(3) Allocation

In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

(A) the sum of—

(i) the product of—

(I) three-quarters; multiplied by

(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

(ii) the product of—

(I) one-quarter; multiplied by

(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

(4) Expenditures

The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

(5) Reallocation

The amount of any unit of local government’s allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.
(c) Unavailability of data for units of local government

If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall—

(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

(d) Local government with allocations less than $10,000

If under this section a unit of local government is allocated less than $10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this subchapter.

(e) Direct grants to specially qualified units

(1) In general

If a State does not qualify or apply for funds reserved for allocation under subsection (a) of this section by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) of this section for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 3796ee–2 of this title.

(2) Award basis

In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.


PRIOR PROVISONS


§3796ee–4. Guidelines

(a) In general

The Attorney General shall issue guidelines establishing procedures under which a State or specifically1 qualified unit of local government that receives funds under section 3796ee–3 of this title is required to provide notice to the Attorney General regarding the proposed use of funds made available under this subchapter.

1 So in original. Probably should be “specially”.1

(b) Advisory board

(1) In general

The guidelines referred to in subsection (a) of this section shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to recommend a coordinated enforcement plan for the use of such funds.

(2) Membership

The board shall include representation from, if appropriate—

(A) the State or local police department;

(B) the local sheriff’s department;

(C) the State or local prosecutor’s office;

(D) the State or local juvenile court;

(E) the State or local probation office;

(F) the State or local educational agency;

(G) a State or local social service agency;

(H) a nonprofit, nongovernmental victim advocacy organization; and

(I) a nonprofit, religious, or community group.


PRIOR PROVISONS


§3796ee–5. Payment requirements

(a) Timing of payments

The Attorney General shall pay to each State or specifically1 qualified unit of local government that receives funds under section 3796ee–3 of this title that has submitted an application under this subchapter the amount awarded to such State or unit of local government not later than the later of—

(1) the date that is 180 days after the date that the amount is available; or

(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c) of this section.

(b) Repayment of unexpended amounts

(1) Repayment required

From amounts awarded under this subchapter, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.

(2) Extension

The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).

(3) Penalty for failure to repay

If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

1 So in original. Probably should be “specially”.1
(4) Deposit of amounts repaid

Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

(c) Administrative costs

A State or unit of local government that receives funds under this subchapter may use not more than 5 percent of such funds to pay for administrative costs.

(d) Nonsupplanting requirement

Funds made available under this subchapter to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this subchapter, be made available from State or local sources, as the case may be.

(e) Matching funds

(1) In general

The Federal share of a grant received under this subchapter may not exceed 90 percent of the total program costs.

(2) Construction of facilities

Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this subchapter may not exceed 50 percent of approved cost.

(2) Grant report

Each grant report required by paragraph (1) shall include—

(A) a summary of the activities carried out with such grant;

(B) if such activities included any subgrant, a summary of the activities carried out with such subgrant; and

(C) an assessment of the effectiveness of such activities on achieving the purposes of this subchapter.

(3) Subgrant report

Each subgrant report required by paragraph (1) shall include—

(A) a summary of the activities carried out with such subgrant; and

(B) an assessment of the effectiveness of such activities on achieving the purposes of this subchapter.

(4) Waivers

The Attorney General may waive the requirement of an assessment in paragraph (2)(C) for a State or specially qualified unit of local government, or in paragraph (3)(B) for a unit of local government, if the Attorney General determines that—

(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or

§ 3796ee–8. Assessment reports

(a) Reports to Attorney General

(1) In general

Except as otherwise provided, the administrative provisions of subchapter VIII of this chapter shall apply to this subchapter and for purposes of this section any reference in such provisions to this chapter shall be deemed to include a reference to this subchapter.

(b) Chapter provisions

A prior section 1805 of Pub. L. 90–351, title I, § 1806, was classified to section 3796ee–4 of this title prior to the general amendment of this subchapter by Pub. L. 107–273.

A prior section 1806 of Pub. L. 90–351, title I, § 1807, was classified to section 3796ee–5 of this title prior to the general amendment of this subchapter by Pub. L. 107–273.


A prior section 1805 of Pub. L. 90–351 was classified to section 3796ee–6 of this title prior to the general amendment of this subchapter by Pub. L. 107–273.

§ 3796ee–8. Assessment reports

(a) Reports to Attorney General

(1) In general

Except as provided in paragraph (4), for each fiscal year for which a grant or subgrant is awarded under this subchapter, each State or specially qualified unit of local government that receives such a grant shall submit to the Attorney General a grant report, and each unit of local government that receives such a subgrant shall submit to the State a subgrant report, at such time and in such manner as the Attorney General may reasonably require.

(2) Grant report

Each grant report required by paragraph (1) shall include—

(A) a summary of the activities carried out with such grant;

(B) if such activities included any subgrant, a summary of the activities carried out with such subgrant; and

(C) an assessment of the effectiveness of such activities on achieving the purposes of this subchapter.

(3) Subgrant report

Each subgrant report required by paragraph (1) shall include—

(A) a summary of the activities carried out with such subgrant; and

(B) an assessment of the effectiveness of such activities on achieving the purposes of this subchapter.

(4) Waivers

The Attorney General may waive the requirement of an assessment in paragraph (2)(C) for a State or specially qualified unit of local government, or in paragraph (3)(B) for a unit of local government, if the Attorney General determines that—

(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or
(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

(b) Reports to Congress

Not later than 120 days after the last day of each fiscal year for which 1 or more grants are awarded under this subchapter, the Attorney General shall submit to Congress a report, which shall include—

(1) a summary of the information provided under subsection (a) of this section;

(2) an assessment by the Attorney General of the grant program carried out under this subchapter; and

(3) such other information as the Attorney General considers appropriate.


§ 3796ee–9. Definitions

In this subchapter:

(1) Unit of local government

The term “unit of local government” means—

(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and

(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

(2) Specially qualified unit

The term “specially qualified unit” means a unit of local government which may receive funds under this subchapter only in accordance with section 3796ee–3(e) of this title.

(3) State

The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that—

(A) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands (the “partial States”) shall collectively be considered as 1 State; and

(B) for purposes of section 3796ee–3(a) of this title, the amount allocated to a partial State shall bear the same proportion to the amount collectively allocated to the partial States as the population of the partial State bears to the collective population of the partial States.

(4) Juvenile

The term “juvenile” means an individual who is 17 years of age or younger.

(5) Juvenile justice expenditures

The term “juvenil e justice expenditures” means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

(A) activities specified in section 3796ee(b) of this title; and

(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this subchapter.

(6) Part 1 violent crimes

The term “part 1 violent crimes” means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.


§ 3796ee–10. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this subchapter, $350,000,000 for each of fiscal years 2006 through 2009.

(b) Oversight accountability and administration

(1) In general

Of the amount authorized to be appropriated under section 5665 of this title, there shall be available to the Attorney General, for each of the fiscal years 2002 through 2004 (as applicable), to remain available until expended—

(A) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this subchapter;

(B) not more than 2 percent of that amount, for training and technical assistance; and

(C) not more than 1 percent, for administrative costs to carry out the purposes of this subchapter.

(2) Oversight plan

The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

(c) Tribal set-aside

Of the amounts appropriated under subsection (a) of this section, 2 percent shall be made available for programs that receive grants under section 3796ee–1 of this title.


Amendments


SUBCHAPTER XII—G—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

§ 3796ff. Grant authorization

(a) In general

The Attorney General may make grants under this subchapter to States, for use by States and units of local government for the purpose of—

(1) developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional and detention facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment; and

(2) encouraging the establishment and maintenance of drug-free prisons and jails.

(b) Consultation

The Attorney General shall consult with the Secretary of Health and Human Services to ensure that projects of substance abuse treatment and related services for State prisoners incorporate applicable components of existing comprehensive approaches including relapse prevention and aftercare services.

(c) Additional use of funds

States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this subchapter for treatment and sanctions both during incarceration and after release.

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

(d) Coordination of Federal assistance

Each application submitted for a grant under this subchapter shall be funded through funds provided for this subchapter.

(e) State office

The office responsible for the trust fund required by section 3757 of this title—

(1) shall prepare the application as required under this section; and

1 So in original. Probably should not be capitalized.

2 So in original. Probably should be “Aftercare.”
(2) shall administer grant funds received under this subchapter, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

(f) Use of grant amounts for nonresidential aftercare services

A State may use amounts received under this subchapter to provide nonresidential substance abuse treatment aftercare services for inmates or formerly incarcerated inmates that meet the requirements of subsection (c) of this section, if the chief executive officer of the State certifies to the Attorney General that the State is providing, and will continue to provide, an adequate level of residential treatment services.


**AMENDMENTS**

2008—Subsec. (c). Pub. L. 110–199 substituted “Requirement for Aftercare Component” for “Aftercare services requirement” in heading and amended par. (1) generally. Prior to amendment, par. (1) read as follows: “To be eligible for funding under this subchapter, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this subchapter will be provided with aftercare services.”

Subsec. (d). Pub. L. 109–162, §1145(a), reenacted subsec. heading without change and amended text generally. Prior to amendment, text read as follows: “To be eligible to receive funds under this subchapter, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.”


Subsec. (f)(1). Pub. L. 109–162, §1145(b)(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “To be eligible for a preference under this subchapter, a State must ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this subchapter will be provided with aftercare services.”


**Effective Date of 2006 Amendment**

Amendment by section 1111(c)(2)(J) of Pub. L. 109–162 applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as a note under section 3795 of this title.


**Construction of 2008 Amendment**

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3796ff–2. Review of State applications

(a) In general

The Attorney General shall make a grant under section 3796ff of this title to carry out the projects described in the application submitted under section 3796ff–1 of this title upon determining that—

(1) the application is consistent with the requirements of this subchapter; and

(2) before the approval of the application the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this subchapter.

(b) Approval

Each application submitted under section 3796ff–1 of this title shall be considered approved, in whole or in part, by the Attorney General not later than 90 days after first received unless the Attorney General informs the applicant of specific reasons for disapproval.

(c) Restriction

Grant funds received under this subchapter shall not be used for land acquisition or construction projects.

(d) Disapproval notice and reconsideration

The Attorney General shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

(e) Priority for partnerships with community-based drug treatment programs

In considering an application submitted by a State under section 3796ff–1 of this title, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.


**AMENDMENTS**


**Effective Date of 2006 Amendment**


§ 3796ff–3. Allocation and distribution of funds

(a) Allocation

Of the total amount appropriated under this subchapter in any fiscal year—

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

(2) of the total funds remaining after the allocation under paragraph (1), there shall be al-
located to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

(b) Federal share

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the projects described in the application submitted under section 3796ff–1 of this title for the fiscal year for which the projects receive assistance under this subchapter.

(c) Local allocation

At least 10 percent of the total amount made available to a State under subsection (a) of this section for any fiscal year shall be used by the State to make grants to local correctional and detention facilities in the State (provided such facilities exist therein), for the purpose of assisting jail-based substance abuse treatment programs that are effective and science-based established by those local correctional facilities.

(d) Residential substance abuse treatment program defined

In this subchapter, the term "residential substance abuse treatment program" means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).


AMENDMENTS


(EFFECTIVE DATE OF 2006 AMENDMENT)


CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3796ff–4. Evaluation

Each State that receives a grant under this subchapter shall submit to the Attorney General an evaluation not later than March 1 of each year in such form and containing such information as the Attorney General may reasonably require.


SUBCHAPTER XII–H—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

§ 3796gg. Purpose of program and grants

(a) General program purpose

The purpose of this subchapter is to assist States, State and local courts (including juvenile courts), Indian tribal governments, tribal courts, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) Purposes for which grants may be used

Grants under this subchapter shall provide personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of—

(1) training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;

(2) developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

(5) developing, enlarging, or strengthening victim services programs, including sexual assault, domestic violence, and dating violence programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

(6) developing, enlarging, or strengthening programs addressing stalking;

(7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence;

(8) supporting formal and informal statewide, multidisciplinary efforts, to the extent...
not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim service agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;

(9) training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;

(10) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;

(11) providing assistance to victims of domestic violence and sexual assault in immigration matters;

(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

(13) supporting the placement of special victim assistants (to be known as “Jessica Gonzales Victim Assistants”) in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order; and

(14) to provide funding to law enforcement agencies, nonprofit nongovernmental victim service providers, and State, tribal, territorial, and local governments,1 (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—

(A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as “Crystal Judson Victim Advocates,” to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

(B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003));

(C) the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (14) shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol.

(c) State coalition grants

(1) Purpose

The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

(2) Grants to State coalitions

The Attorney General shall award grants to—

(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services under section 10411 of this title; and

(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 260b et seq.).

(3) Eligibility for other grants

Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b) of this section.

(d) Tribal coalition grants

(1) Purpose

The Attorney General shall award grants to tribal domestic violence and sexual assault coalitions for purposes of—

(A) increasing awareness of domestic violence and sexual assault against American Indian and Alaska Native women;

1 So in original. The comma probably should not appear.
(B) enhancing the response to violence against American Indian and Alaska Native women at the tribal, Federal, and State levels; and

(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to American Indian women victimized by domestic and sexual violence.

(2) Grants to tribal coalitions

The Attorney General shall award grants under paragraph (1) to—

(A) established nonprofit, nongovernmental tribal coalitions addressing domestic violence and sexual assault against American Indian and Alaska Native women; and

(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaska Native women.

(3) Eligibility for other grants

Receipt of an award under this subsection by tribal domestic violence and sexual assault coalitions shall not preclude the coalition from receiving additional grants under this chapter to carry out the purposes described in subsection (b) of this section.


The Public Health Service Act, referred to in subsec. (a)(3), was in the area of rape and sexual assault, incorporating the area of rape and sexual assault, domestic violence, and dating violence'' for “sexual assault and domestic violence”.


Subsec. (b)(3). Pub. L. 106–386, 1102(a)(1)(B)(iii), substituted “cutting including sexual assault, domestic violence, and dating violence” for “including sexual assault and domestic violence” and “underserved populations” for “racial, cultural, ethnic, and language minorities”.

Subsec. (b)(4). Pub. L. 106–386, § 1103(b)(1)(A)(ii), 1109(b)(2), substituted “including sexual assault, domestic violence, and dating violence” for “including sexual assault and domestic violence”.

Subsec. (b)(5). Pub. L. 106–386, §§ 1103(b)(1)(A)(i), 1109(b)(2), substituted “including sexual assault, domestic violence, and dating violence” for “including sexual assault and domestic violence”.


Effective Date of 2006 Amendment


Standards, Practice, and Training for Sexual Assault Forensic Examinations


“(a) IN GENERAL.—The Attorney General shall—

“(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

“(2) recommend sexual assault forensic examination training for all health care providers to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

“(3) review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

“(b) CONSULTATION.—The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities as defined in [former] section 2003(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 ([former] 42 U.S.C. § 3796gg–2(7)), as amended by this division).

“(c) REPORT.—The Attorney General shall ensure that not later than 1 year after the date of the enactment of this Act (Oct. 28, 2000), a report of the actions taken pursuant to subsection (a) is submitted to Congress.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.”

[For definitions of terms used in section 1405 of Pub. L. 106–386, set out above, see section 1002 of Pub. L. 106–386, set out as a note under § 3796gg–2 of this title.]
(b) Separate office

The Office shall be a separate and distinct office within the Department of Justice, headed by a Director, who shall report to the Attorney General and serve as Counsel to the Attorney General on the subject of violence against women, and who shall have final authority over all grants, cooperative agreements, and contracts awarded by the Office.

(c) Jurisdiction

Under the general authority of the Attorney General, the Office—

(1) shall have sole jurisdiction over all duties and functions described in section 3796gg–0b of this title; and

(2) shall be solely responsible for coordination with other departments, agencies, or offices of all activities authorized or undertaken under the Violence Against Women Act of 1994 (title VI of Public Law 103–322) and the Violence Against Women Act of 2000 (Division B of Public Law 106–386).

References in Text


Prior Provisions

A prior section 2002 of Pub. L. 90–351 was renumbered section 2007 and is classified to section 3796gg–1 of this title.

Effective Date


§ 3796gg–0a. Director of Violence Against Women Office

(a) Appointment

The President, by and with the advice and consent of the Senate, shall appoint a Director for the Violence Against Women Office (in this subchapter referred to as the “Director”) to be responsible, under the general authority of the Attorney General, for the administration, coordination, and implementation of the programs and activities of the Office.

(b) Other employment

The Director shall not—

(1) engage in any employment other than that of serving as Director; or

(2) hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) or the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(c) Vacancy

In the case of a vacancy, the President may designate an officer or employee who shall act as Director during the vacancy.

(d) Compensation

The Director shall be compensated at a rate of pay not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5.


References in Text

This subchapter, referred to in subsec. (a), was in the original “this title”, and was translated as reading “this part”, meaning part T of title I of Pub. L. 90–351, to reflect the probable intent of Congress.


Before November 2, 2002, the Violence Against Women Act of 1994 was referred to as the Violence Against Women Act, approved Sept. 13, 1994, 108 Stat. 102, as amended.

§ 3796gg–0b. Duties and functions of Director of Violence Against Women Office

The Director shall have the following duties:

(1) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women.

(2) Providing information to the President, the Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to violence against women.

(3) Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.

(4) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations.

(5) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (Division B of Public Law 106–386) or the Violence Against Women Act of 2000 (Division B of Public Law 106–386).
Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (division B of Public Law 106–386), including with respect to those functions—

(A) the development of policy, protocols, and guidelines;

(B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and

(C) the award and termination of grants, cooperative agreements, and contracts.

(6) Providing technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to violence against women, including the litigation of civil and criminal actions relating to enforcing such laws;

(B) other Federal, State, local, and tribal agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate violence against women, including Indian or indigenous women; and

(C) grantees, in efforts to combat violence against women and to provide support and assistance to victims of such violence.

(7) Exercising such other powers and functions as may be vested in the Director pursuant to this subchapter or by delegation of the Attorney General.

(8) Establishing such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.


REFERENCES IN TEXT


A prior section 2004 of Pub. L. 90–351 was renumbered section 2010 and is classified to section 3796gg–4 of this title.

A prior section 2005 of Pub. L. 90–351 was renumbered section 2011 and is classified to section 3796gg–5 of this title.

A prior section 2006 of Pub. L. 90–351 was renumbered section 2012 and is classified to section 3796gg–6 of this title.

§ 3796gg–0d. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subchapter for each fiscal year until fiscal year 2005.


Prior Provisions

A prior section 2006 of Pub. L. 90–351 was renumbered section 2012 and is classified to section 3796gg–6 of this title.

Effective Date

Section effective 90 days after Nov. 2, 2002, see section 403 of Pub. L. 107–273, set out as a note under section 3796gg–0 of this title.

§ 3796gg–01. State grants

(a) General grants

The Attorney General may make grants to States, for use by States, State and local courts (including juvenile courts), units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments for the purposes described in section 3796gg(b) of this title.

(b) Amounts

Of the amounts appropriated for the purposes of this subchapter—

(1) 10 percent shall be available for grants under the program authorized by section 3796gg–10 of this title, which shall not otherwise be subject to the requirements of this subchapter (other than section 3796gg–2 of this title);

(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 3796gg(c) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1⁄5 of the total amount made available under this paragraph for each fiscal year;

(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 3796gg(c) of this title, with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

Prior Provisions

A prior section 2001 of Pub. L. 90–351 was renumbered section 2009 and is classified to section 3796gg–1 of this title.

Effective Date

Section effective 90 days after Nov. 2, 2002, see section 403 of Pub. L. 107–273, set out as a note under section 3796gg–0 of this title.

§ 3796gg–0c. Staff of Violence Against Women Office

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the Director's responsibilities under this subchapter.

Mariana Islands, each receiving an amount equal to \( \frac{5}{6} \) of the total amount made available under this paragraph for each fiscal year; (4) \( \frac{5}{6} \) shall be available for grants under section 3796gg(d) of this title; (5) $500,000 shall be available for grants to applicants in each State; and (6) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State’s population in relation to the population of all States (not including populations of Indian tribes).

(c) Qualification

Upon satisfying the terms of subsection (d) of this section, any State shall be qualified for funds provided under this subchapter upon certification that—

(1) the funds shall be used for any of the purposes described in section 3796gg(b) of this title;
(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs and describe how the State will address the needs of underserved populations;
(3) (A) not less than 25 percent shall be allocated for law enforcement and not less than 25 percent shall be allocated for prosecutors; (B) not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to culturally specific community-based organizations; and (C) not less than 5 percent shall be allocated for State and local courts (including juvenile courts); and
(4) any Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subchapter.

(d) Application requirements

The application requirements provided in section 3763 of this title shall apply to grants made under this subchapter. In addition, each application shall include the certifications of qualification required by subsection (c) of this section, including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2) of this section. An application shall include—

(1) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, demonstrating—
(A) need for the grant funds;
(B) intended use of the grant funds;
(C) expected results from the use of grant funds; and
(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background;
(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 3796gg–4 of this title; and
(3) proof of compliance with the requirements for paying filing and service fees for domestic violence cases provided in section 3796gg–5 of this title; and
(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and courts have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.

(e) Disbursement

(1) In general

Not later than 60 days after the receipt of an application under this subchapter, the Attorney General shall—
(A) disburse the appropriate sums provided for under this subchapter; or
(B) inform the applicant why the application does not conform to the terms of section 3763 of this title or to the requirements of this section.

(2) Regulations

In disbursing monies under this subchapter, the Attorney General shall issue regulations to ensure that States will—
(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;
(B) determine the amount of subgrants based on the population and geographic area to be served;
(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and
(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.

(f) Federal share

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the projects described in the application submitted.

(g) Indian tribes

Funds appropriated by the Congress for the activities of any agency of an Indian tribal govern-

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2See References in Text note below.
3So in original. The word “and” probably should not appear.
ment or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subchapter.

(h) Grantee reporting

(1) In general

Upon completion of the grant period under this subchapter, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this subchapter.

(2) Certification by grantee and subgrantees

A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

(3) Suspension of funding

The Attorney General shall suspend funding for an approved application if—

(A) an applicant fails to submit an annual performance report;

(B) funds are expended for purposes other than those described in this subchapter; or

(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.


Pub. L. 109–162, §101(d)(1)(A), substituted “30 percent” for “5 percent”.

Subsec. (b)(2). Pub. L. 109–271, §2(g), which directed the substitution of “the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands,” for “and the coalitions for combined Territories of the United States”, was executed by making the substitution for “the coalition for the combined Territories of the United States”, to reflect the probable intent of Congress.

Pub. L. 109–162, §101(d)(1)(B), substituted “30 percent” for “10 percent”.

Subsec. (b)(3). Pub. L. 109–162, §101(d)(1)(C), substituted “coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to $56⁄7 for “and the coalition for the combined Territories of the United States, each receiving an amount equal to $56⁄7”.


Subsec. (c)(2). Pub. L. 109–162, §101(c)(1), inserted “and describe how the State will address the needs of underserved populations” before semicolon at end.

Subsec. (c)(3)(A). Pub. L. 109–271, §2(f)(1), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “not less than 25 percent shall be allocated to police and not less than 25 percent shall be allocated to prosecutors.”

Pub. L. 109–162, §1134(a)(1), which directed substitution of “law enforcement” for “police”, was repealed by Pub. L. 109–271, §2(f)(1) and (8)(b).

Subsec. (c)(3)(B). Pub. L. 109–271, §2(f)(1), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “not less than 25 percent shall be allocated to victim services, of which at least 10 percent shall be distributed to culturally specific community-based organization; and”

Pub. L. 109–162, §101(d)(2), inserted “, of which at least 10 percent shall be distributed to culturally specific community-based organization” after “victim services”.

Subsec. (d). Pub. L. 109–162, §1134(a)(2), which directed insertion of “submitted by a State” after “each application” in second sentence and substitution of “In addition, each application submitted by a State or tribal government” for “An application” in third sentence, was repealed by Pub. L. 109–271, §§2(d) and 8(b).


Subsec. (e)(2)(D). Pub. L. 109–162, §101(c)(2), added subpar. (D) and struck out former subpar. (D) which read as follows: “recognize and address the needs of underserved populations.”


Pub. L. 109–162, §101(e), added subsec. (1).


Pub. L. 109–162, §101(c)(3), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “10 percent shall be available for the development and operation of nonprofit tribal domestic violence and sexual assault coalitions in Indian country.”.


Subsec. (b)(1). Pub. L. 106–386, §1103(b)(2)(B), substituted “5 percent” for “4 percent”.

Subsec. (b)(2) to (4). Pub. L. 106–386, §1103(b)(2)(D), added pars. (2) to (4). Former pars. (2) and (3) redesignated (5) and (6), respectively.

Subsec. (b)(5). Pub. L. 106–386, §1103(b)(2)(A), redesignated par. (2) as (5) and substituted “$500,000” for “$500,000”.


Subsec. (c)(3). Pub. L. 106–386, §1102(a)(2)(B), added par. (3) and struck out former par. (3) which read as follows: “at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following 3 areas: prosecution, law enforcement, and victim services; and”.


Effective Date of 2006 Amendment
Amendment by sections 101(c)–(e) and 906(b) of Pub. L. 109–162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109–162, set out as a note under section 3709 of this title.

Effective Date of 2004 Amendment

Effective Date of 2002 Amendment

§ 3796gg–2. Definitions and grant conditions
In this subchapter the definitions and grant conditions in section 13925 of this title shall apply.


Codification
Another section 2008 of Pub. L. 90–351 was renumbered section 2016 and is classified to section 3796gg–11 of this title.

Prior Provisions

Definitions and Grant Conditions Applicable to Division B of Pub. L. 106–386

§ 3796gg–3. General terms and conditions
(a) Nonmonetary assistance
In addition to the assistance provided under this subchapter, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

(b) Reporting
Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

(1) the number of grants made and funds distributed under this subchapter;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and

(4) an evaluation of the effectiveness of programs funded under this subchapter.

(c) Regulations or guidelines
Not later than 120 days after September 13, 1994, the Attorney General shall publish proposed regulations or guidelines implementing this subchapter. Not later than 180 days after September 13, 1994, the Attorney General shall publish final regulations or guidelines implementing this subchapter.


Amendments
2006—Subsec. (b). Pub. L. 109–162, §§1134(b) and 1135(c), which directed an amendment substantially identical to that made by Pub. L. 109–162, §3(b)(3), were repealed by Pub. L. 109–271, §§2(d) and 8(b).

Pub. L. 109–162, §3(b)(3), substituted “Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit” for “Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Attorney General shall submit” in introductory provisions.

§ 3796gg–4. Rape exam payments
(a) Restriction of funds
(1) In general
A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) of this section for victims of sexual assault.

(2) Redistribution
Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

(b) Medical costs
A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any governmental entity—

(1) provides such exams to victims free of charge to the victim;
(2) arranges for victims to obtain such exams free of charge to the victims; or
(3) reimburses victims for the cost of such exams if—
(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;
(B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;
(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim’s expense; and
(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

(c) Use of funds
A State or Indian tribal government may use Federal grant funds under this subchapter to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

(d) Rule of construction
(1) In general
In 1 this section shall be construed to permit a State, Indian tribal government, or terri-

1 So in original. Probably should be preceded by “Nothing”.

torial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

(2) Compliance period
States, territories, and Indian tribal governments shall have 3 years from January 5, 2006, to come into compliance with this subsection.

(e) Judicial notification
(1) In general
A State or unit of local government shall not be entitled to funds under this subchapter unless the State or unit of local government—
(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18 and any applicable related Federal, State, or local laws; or
(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—
(i) the period ending on the date on which the next session of the State legislature ends; or
(ii) 2 years.

(2) Redistribution
Funds withheld from a State or unit of local government under subsection (a) of this section shall be distributed to other States and units of local government, pro rata.


AMENDMENTS
Subsec. (d). Pub. L. 109–271 designated existing provi-
sions as par. (1), inserted par. heading, struck out “Nothing” before “in this section”, and added par. (2).

EFFECTIVE DATE OF 2006 AMENDMENT

§ 3796gg–5. Costs for criminal charges and protection orders
(a) In general
A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, or unit of local government—

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with
the filing, issuance, registration, or service of
a protection order, or a petition for a protec-
tion order, to protect a victim of domestic vio-
ence, stalking, or sexual assault, that the vic-
tim bear the costs associated with the filing of
criminal charges against the offender, or the
costs associated with the filing, issuance, reg-
istration, or service of a warrant, protection
order, petition for a protection order, or wit-
tness subpoena, whether issued inside or out-
side the State, tribal, or local jurisdiction; or
(2) gives the Attorney General assurances
that its laws, policies and practices will be in
compliance with the requirements of para-
graph (1) within the later of—
(A) the period ending on the date on which
the next session of the State legislature
ends; or
(B) 2 years after October 28, 2000.

(b) Redistribution

Funds withheld from a State, unit of local
government, or Indian tribal government
under subsection (a) of this section shall be distributed
to other States, units of local government, and
Indian tribal government, respectively, pro rata.

(c) Definition

In this section, the term “protection order”
has the meaning given the term in section 2266
of title 18.

(Pub. L. 90–351, title I, § 2011, formerly § 2006, as
2276.)

AMENDMENTS

2000—Pub. L. 106–386, § 1101(b)(1)(A), in section catch-
line, substituted “Costs” for “Filing costs” and in-
serted “and protection orders” after “charges”.

Subsec. (a)(1). Pub. L. 106–386, § 1101(b)(1)(B)(i), added par. (1) and struck out former par. (1) which read as fol-
loes: “certifies that its laws, policies, and practices do not require, in connection with the prosecution of any
misdemeanor or felony domestic violence offense, that
the abused bear the costs associated with the filing of
criminal charges against the domestic violence of-
ferer, and the costs associated with the issuance or
service of a warrant, protection order, or witness sub-
opena; or”.

years”.

Subsec. (c). Pub. L. 106–386, § 1101(b)(1)(C), added sub-
sec. (c).

§ 3796gg–6. Legal assistance for victims

(a) In general

The purpose of this section is to enable the At-
torney General to award grants to increase the
availability of civil and criminal legal assist-
ance necessary to provide effective aid to adult
and youth victims of domestic violence, dating
violence, stalking, or sexual assault who are
seeking relief in legal matters arising as a con-
sequence of that abuse or violence, at minimal
or no cost to the victims. Criminal legal assist-
ance provided for under this section shall be
limited to criminal matters relating to domestic
violence, sexual assault, dating violence, and
stalking.

(b) Definitions

In this section, the definitions provided in sec-
section 13925 of this title shall apply.

(c) Legal assistance for victims grants

The Attorney General may award grants under
this subsection to private nonprofit entities, In-
dian tribal governments and tribal organiza-
tions, territorial organizations, and publicly
funded organizations not acting in a govern-
mental capacity such as law schools, and which
shall be used—
(1) to implement, expand, and establish co-
operative efforts and projects between domes-
tic violence, dating violence, and sexual as-
sault victim services organizations and legal
assistance providers to provide legal assis-
tance for victims of domestic violence, dating
violence, stalking, and sexual assault;
(2) to implement, expand, and establish ef-
forts and projects to provide legal assistance
for victims of domestic violence, dating vio-
ence, stalking, and sexual assault by organi-
sations with a demonstrated history of provid-
ing direct legal or advocacy services on behalf
of these victims; and
(3) to provide training, technical assistance,
and data collection to improve the capacity of
grantees and other entities to offer legal as-
sistance to victims of domestic violence, dat-
ing violence, stalking, and sexual assault.

(d) Eligibility

To be eligible for a grant under subsection (c)
of this section, applicants shall certify in writ-
ing that—
(1) any person providing legal assistance
through a program funded under subsection (c)
of this section has completed or will complete
training in connection with domestic violence,
dating violence, or sexual assault and related
legal issues;
(2) any training program conducted in satis-
faction of the requirement of paragraph (1) has
been or will be developed with input from and
in collaboration with a tribal, State, terri-
torial, or local domestic violence, dating vio-
ce, sexual assault or stalking organization
or coalition, as well as appropriate tribal,
State, territorial, and local law enforcement
officials;
(3) any person or organization providing
legal assistance through a program funded
under subsection (c) of this section has in-
formed and will continue to inform State,
local, or tribal domestic violence, dating vio-
ce, or sexual assault programs and coali-
tions, as well as appropriate State and local
law enforcement officials of their work; and
(4) the grantee’s organizational policies do
not require mediation or counseling involving
offenders and victims physically together, in
cases where sexual assault, domestic violence,
dating violence, or child sexual abuse is an
issue.

(e) Evaluation

The Attorney General may evaluate the
grants funded under this section through con-
tracts or other arrangements with entities expert on domestic violence, dating violence, stalking, and sexual assault, and on evaluation research.

(f) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 2007 through 2011.

(2) Allocation of funds

(A) Tribal programs

Of the amount made available under this subsection in each fiscal year, not less than 3 percent shall be used for grants for programs that assist adult and youth victims of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) Tribal government program

(i) In general

Not less than 7 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 3796gg–10 of this title.

(ii) Applicability of subchapter

The requirements of this section shall not apply to funds allocated for the program described in clause (i).

(C) Victims of sexual assault

Of the amount made available under this subsection in each fiscal year, not less than 25 percent shall be used for direct services, training, and technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault.

(3) Nonsupplantation

Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

Prior to amendment, text defined for purposes of this section the terms “dating violence”, “domestic violence”, “legal assistance”, and “sexual assault.”


Subsec. (d)(2). Pub. L. 109–162, §103(4), added par. (2) and struck out former par. (2) which read as follows: “any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence, dating violence, or sexual assault program or coalition, as well as appropriate State and local law enforcement officials.”


Subsec. (f)(1). Pub. L. 109–162, §103(6)(A), added par. (1) and struck out former par. (1). Former text read as follows: “There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2001 through 2005.”


Pub. L. 109–162, §103(6)(B), substituted “10 percent” for “5 percent” and inserted “adult and youth” after “that assist”.

Subsec. (f)(2)(B), (C). Pub. L. 109–271, §7(d)(1)(B), struck out subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (f)(4). Pub. L. 109–271, §7(d)(1)(B), struck out par. (4) which read as follows: “Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized in section 3796gg–10 of this title. The requirements of this paragraph shall not apply to funds allocated for such program.”


Subsec. (b)(1) to (4). Pub. L. 108–405, §205(2), added par. (1), redesignated former pars. (1) to (3) as (2) to (4), respectively, and inserted “dating violence,” after “domestic violence,”.


Effective Date of 2006 Amendment


§3796gg–7. Education, training, and enhanced services to end violence against and abuse of women with disabilities

(n) In general

The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against in-
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dividuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and
(2) to enhance direct services to such individuals.

(b) Use of funds

Grants awarded under this section shall be used—

(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;
(2) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;
(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;
(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;
(5) to provide training and technical assistance on the requirements of shelters and victim service organizations under Federal anti-discrimination laws, including—
(A) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and
(B) section 794 of title 29;
(6) to modify facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;
(7) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or
(8) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

c) Eligible entities

(1) In general

An entity shall be eligible to receive a grant under this section if the entity is—

(A) a State;
(B) a unit of local government;
(C) an Indian tribal government or tribal organization; or
(D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

(2) Limitation

A grant awarded for the purpose described in subsection (b)(8) of this section shall only be awarded to an eligible agency (as defined in section 796f–3 of title 29).

d) Underserved populations

In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

(e) Authorization of appropriations

There are authorized to be appropriated $10,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.


REFERENCES IN TEXT


CONSIDERATION

Section was enacted as part of the Violence Against Women Act of 2000 and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

AMENDMENTS

2006—Pub. L. 109–162 substituted “Education, training, and enhanced services to end violence against and abuse of women with disabilities” for “Education and training to end violence against and abuse of women with disabilities” in section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (d) relating to award of grants to provide education and technical assistance for the purpose of providing training, consultation, and information on domestic violence, stalking, and sexual assault against women who are individuals with disabilities and authorized appropriations for fiscal years 2001 through 2005.

EFFECTIVE DATE OF 2006 AMENDMENT


DEFINITIONS

For definitions of terms used in this section, see section 1902 of Pub. L. 106–386, set out as a note under section 3796gg–2 of this title.

§ 3796gg–8. Polygraph testing prohibition

(a) In general

In order to be eligible for grants under this subchapter, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after January 5, 2006, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined

1See References in Text note below.
under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

(b) Prosecution

The refusal of a victim to submit to an examination described in subsection (a) of this section shall not prevent the investigation, charging, or prosecution of the offense.


**Effective Date**

Section not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 3793 of this title.


**Codification**

Pub. L. 109–271, which directed the repeal of section 202 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109–162), was executed by repealing this section, which was section 2014 of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 202 of Pub. L. 109–162, to reflect the probable intent of Congress.

§ 3796gg–10. Grants to Indian tribal governments

(a) Grants

The Attorney General may make grants to Indian tribal governments or authorized designees of Indian tribal governments to—

(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;

(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking;

(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, and stalking programs and to address the needs of children exposed to domestic violence;

(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children;

(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocations, transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, or stalking to locate and secure permanent housing and integrate into a community; and

(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) Collaboration

All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the requirement of this subsection through consultation with women in the community to be served.


**Amendments**


Subsec. (c). Pub. L. 109–271, §7(a)(3)(B), struck out subsec. (c). Prior to amendment, text read as follows: “The Federal share of a grant made under this section may not exceed 90 percent of the total costs of the project described in the application submitted, except that the Attorney General may grant a waiver of this match requirement on the basis of demonstrated financial hardship. Funds appropriated for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this section.”

**Effective Date**

Section not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 3793 of this title.

**Findings and Purposes**

Pub. L. 109–162, title IX, §§901, 902, Jan. 5, 2006, 119 Stat. 3077, 3078, provided that:

"SEC. 901. FINDINGS. “Congress finds that—

‘(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

‘(2) Indian women experience 7 sexual assaults per 1,000, compared with 8 per 1,000 among Asian women; 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

‘(3) Indian women experience the violent crime of battering at a rate of 25.2 per 1,000, compared with 8 per 1,000 among Caucasian women;"
“(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances; “(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and “(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

“The purposes of this title [enacting this section, sections 3796gg–11 and 14045d of this title, and section 117 of Title 18, Crimes and Criminal Procedure, amending sections 3796gg–1, 3796gg–6, 3796hh, 13071, 13075, and 10120 of this title, section 821 of Title 18, section 2883 of Title 25, Indians, and section 534 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as notes under this section and section 534 of Title 28] are—

“(1) to decrease the incidence of violent crimes against Indian women; “(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and “(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.”

NATIONAL BASELINE STUDY ON VIOLENCE AGAINST INDIAN WOMEN

Pub. L. 109–162, title IX, § 904(a), Jan. 5, 2006, 119 Stat. 3078, provided that:

“(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

“(2) SCOPE.—

“(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

“(i) domestic violence; “(ii) dating violence; “(iii) sexual assault; “(iv) stalking; and “(v) murder.

“(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

“(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

“(D) TASK FORCE.—

“(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendations in paragraph (2)(C).

“(B) MEMBERS.—The Director shall appoint to the task force representatives from—

“(i) national tribal domestic violence and sexual assault nonprofit organizations; “(ii) tribal governments; and “(iii) the national tribal organizations.

“(4) REPORT.—Not later than 2 years after the date of enactment of this Act [Jan. 5, 2006], the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [probably should be “subsection”] $1,000,000 for each of fiscal years 2007 and 2008, to remain available until expended.”

§ 3796gg–11. Tribal Deputy

(a) Establishment

There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

(b) Duties

(1) In general

The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations; “(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract; “(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women; “(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women; “(E) represent the Office on Violence Against Women in the annual consultations under section 14045d of this title; “(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws; “(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women; “(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and “(I) ensure that adequate tribal technical assistance that is developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

(c) Authority

(1) In general

The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to en-
hance the capacity of Indian tribes to address the safety of Indian women.

(2) Accountability

The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this subchapter is used to hold offenders accountable through—

(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

(C) development of tribal educational awareness programs and materials;

(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.


REFERENCES IN TEXT

This Act, referred to in subsecs. (b)(1)(B) and (c)(1), is Pub. L. 90–351, June 19, 1968, 82 Stat. 197, as amended, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

Section 14045d of this title, referred to in subsec. (b)(1)(E), was in the original “section 903” and was translated as meaning section 903 of Pub. L. 198, 1982, as amended, because there is no section 903 of Pub. L. 90–351.


SUBCHAPTER XII–I—GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS

§ 3796hh. Grants

(a) Purpose

The purpose of this subchapter is to encourage States, Indian tribal governments, State and local courts (including juvenile courts), tribal courts, and units of local government to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law.

(b) Grant authority

The Attorney General may make grants to eligible States, Indian tribal governments, State, tribal, territorial, and local courts (including juvenile courts),2 or units of local government for the following purposes:

(1) To implement proarrest programs and policies in police departments, including policies for protection order violations.

(2) To develop policies, educational programs, protection order registries, and training in police departments to improve tracking of cases involving domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence, dating violence, sexual assault, and stalking in cases in teams or units of police officers, prosecutors, parole and probation officers, or judges.

(4) To coordinate computer tracking systems to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family courts.

(5) To strengthen legal advocacy service programs for victims of domestic violence, dating violence, sexual assault, and stalking, including Strengthening assistance to such victims in immigration matters.

(6) To educate judges in criminal and civil courts (including juvenile courts) about domestic violence, dating violence, sexual assault, and stalking and to improve judicial handling of such cases.

(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.

(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals (as defined in section 3002 of this title) and individ-

1 So in original. Probably should be followed by a comma.
2 So in original.
§ 3796hh

The Public Health and Welfare

(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

(12) To develop, enhance, and maintain protection order registries.

(13) To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.

(c) Eligibility

Eligible grantees are States, Indian tribal governments, 1 State and local courts (including juvenile courts), 2 or units of local government that—

(1) certify that their laws or official policies—

(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense;

(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; and

(5) certify that, not later than 3 years after January 5, 2006, their laws, policies, or practices will ensure that—

(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense.

(d) Speedy notice to victims

A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this subchapter unless the State or unit of local government—

(1) certifies that it has a law or regulation that requires—

(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the human immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented;

(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

(2) gives the Attorney General assurances to—

(A) the period ending on the date on which the next session of the State legislature ends;

(B) 2 years.

(e) Allotment for Indian tribes

(1) In general

Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the

1 So in original. Probably should be “its".
program authorized by section 3796gg–10 of this title.

(2) Applicability of subchapter

The requirements of this subchapter shall not apply to funds allocated for the program described in paragraph (1).


REFERENCES IN TEXT

January 5, 2006, referred to in subsec. (c)(5), was in the original “the date of enactment of this section”, which was translated as meaning the date of enactment of Pub. L. 109–162, which enacted par. (5) of subsec. (c), to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 2101 of Pub. L. 90–351 was renumbered section 2561 and is classified to section 3797 of this title.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–162, §102(b)(1), substituted “to treat domestic violence, dating violence, sexual assault, and stalking as serious violations” for “to treat domestic violence as a serious violation”.


Subsec. (b)(1). Pub. L. 109–162, §102(b)(2)(B), struck out “mandatory arrest or” after “implement” and “mandatory arrest programs and” after “including”.

Subsec. (b)(2). Pub. L. 109–162, §102(b)(2)(C), inserted “protection order registries” after “educational programs,” and substituted “domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking” for “domestic violence and dating violence”.

Subsec. (b)(3). Pub. L. 109–162, §102(b)(2)(D), substituted “domestic violence, dating violence, sexual assault, and stalking cases” and “teams” for “groups”.


Subsec. (b)(5). Pub. L. 109–162, §102(b)(2)(F), substituted “civil” for “other” and inserted “dating violence, sexual assault, and stalking” after “domestic violence”.

Subsec. (b)(6) to (13). Pub. L. 109–162, §102(b)(2)(G), added pars. (9) to (13).


Subsec. (d). Pub. L. 109–162, §102(b)(4), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “In this section, the term ‘protection order’ has the meaning given the term in section 2266 of title 18.”

Subsec. (e). Pub. L. 109–162, §102(b), added subsec. (e) and struck out former subsec. (e) which read as follows: “Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants to Indian tribal governments.”

Pub. L. 109–162, §102(b)(4), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “Not less than 5 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.”

2000—Subsec. (a). Pub. L. 106–386, §1102(b)(1), inserted “State and local courts (including juvenile courts), tribal courts,” after “Indian tribal governments,”.


Subsec. (b)(2). Pub. L. 106–386, §§1102(b)(2)(B), 1109(c)(1), substituted “policies, educational programs, and” for “policies and” and inserted “and dating violence” before period at end.

Subsec. (b)(3). Pub. L. 106–386, §1102(b)(2)(C), (D), inserted “parole and probation officers,” after “prosecutors”.

Subsec. (b)(5). Pub. L. 106–386, §§1109(c)(2), 1512(b), inserted “and dating violence, including strengthening assistance to such victims in immigration matters” before period at end.


Subsec. (b)(8). Pub. L. 106–386, §1209(b), added par. (8).

Subsec. (c). Pub. L. 106–386, §1102(b)(3), inserted “State and local courts (including juvenile courts),” after “Indian tribal governments” in introductory provisions.

Subsec. (c)(4). Pub. L. 106–386, §1101(b)(2)(A), added par. (4) and struck out former par. (4) which read as follows: “certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.”


EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by sections 102(b) (except the amendment to subsec. (d) of this section included in that section) and 906(c) of Pub. L. 109–162 not effective until the beginning of fiscal year 2007, see section 4 of Pub. L. 109–162, set out as a note under section 3797 of this title.

§ 3796hh–1. Applications

(a) Application

An eligible grantee shall submit an application to the Attorney General that—

(I) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 3796hh(c) of this title are met or will be met within the later of—

(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

(B) 2 years of September 13, 1994 or, in the case of the condition set forth in subsection 1

1§ 3796gg–10 of this title. The requirements of this subchapter shall not apply to funds allocated for such program.

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§ 3796hh–2

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3796hh(c)(4) of this title, the expiration of the 2-year period beginning on October 28, 2000;

(2) describes plans to further the purposes stated in section 3796hh(a) of this title;
(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and
(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) Priority

In awarding grants under this subchapter, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence, dating violence, sexual assault, or stalking by police, prosecutors, and courts;
(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence, dating violence, sexual assault, or stalking, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);
(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and
(4) in applications describing plans to further the purposes stated in paragraph (4) or (7) of section 3796hh(b) of this title, will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.

(c) Dissemination of information

The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.


AMENDMENTS

2006—Subsec. (b)(1), (2). Pub. L. 109–162 inserted “dating violence, sexual assault, or stalking” after “involving domestic violence”.

2005—Subsec. (a)(1)(B). Pub. L. 106–386, §1101(b)(3), inserted before semicolon “or, in the case of the condition set forth in subsection 3796hh(c)(4) of this title, the expiration of the 2-year period beginning on October 28, 2000”.


Subsec. (b)(2). Pub. L. 106–386, §1101(a)(3)(A)(ii), substituted “, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions):’’ for period at end.


Effective Date of 2006 Amendment


§ 3796hh–3. Regulations or guidelines

Not later than 120 days after September 13, 1994, the Attorney General shall publish proposed regulations or guidelines implementing this subchapter. Not later than 180 days after September 13, 1994, the Attorney General shall publish final regulations or guidelines implementing this subchapter.


§ 3796hh–4. Definitions and grant conditions

In this subchapter the definitions and grant conditions in section 13925 of this title shall apply.


AMENDMENTS

2006—Pub. L. 109–162 amended section generally. Prior to amendment, section consisted of pars. (1) to (3) defining for purposes of this subchapter “domestic violence”; “protection order”; and “dating violence”.


SUBCHAPTER XII–J—MENTAL HEALTH COURTS

PRIOR PROVISIONS

A prior subchapter XII–J, consisting of sections 3796i to 3796i–8, related to grants for drug courts, prior to re-
§ 3796ii. Grant authority

The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—

(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and

(2) the coordinated delivery of services, which includes—

(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;

(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment;

(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant’s cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each offender who requires such services; and

(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.


PRIOR PROVISIONS

A prior section 3796ii, Pub. L. 90–351, title I, § 2201, as added Pub. L. 103–322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1823, related to grant authority, prior to repeal by Pub. L. 103–323, title I, § 2201, as added Pub. L. 106–515, § 2, Nov. 13, 2000, 114 Stat. 2399, provided that: “(a) STUDY.—The Attorney General shall commission a study of offenders, or a sampling of such offenders, with mental illness released from prison or jail in 2 or more jurisdictions, including at least 1 State or local and 1 Federal, to determine the extent to which participation in public benefit programs correlates with successful reentry and improved public safety.”

(b) REPORT.—Not later than 2 years after the date of enactment of this Act [Nov. 2, 2002], the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives—

“(1) a report detailing the results of the study conducted under subsection (a) with findings that address—

“(A) the number of offenders with mental illness released from the prison or jail who qualify for medicaid, SSI, or SSDI;

“(B) the number of offenders with mental illness who qualify for medicaid, SSI, or SSDI benefits and who are enrolled in these programs upon release from prison or jail; and

“(C) how enrollment in medicaid, SSI, or SSDI affects—

“(i) rearrest;

“(ii) violation of condition(s) of release;

“(iii) reincarceration;

“(iv) rehospitalization;

“(v) the length of time upon release from prison or jail time to the first contact with a mental health or substance abuse service; and

“(vi) the number of contacts with a mental health or substance abuse service [service] within the first 90 days of release; and

“(2) any recommendations.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as necessary to conduct the study and issue the report required by this section.”

FINDINGS


“(1) fully 16 percent of all inmates in State prisons and local jails suffer from mental illness, according to a July, 1999 report, conducted by the Bureau of Justice Statistics;

“(2) between 600,000 and 700,000 mentally ill persons are annually booked in jail alone, according to the American Jail Association;

“(3) estimates say 25 to 40 percent of America’s mentally ill will come into contact with the criminal justice system, according to National Alliance for the Mentally Ill;

“(4) 75 percent of mentally ill inmates have been sentenced to time in prison or jail or probation at least once prior to their current sentence, according to the Bureau of Justice Statistics in July, 1999; and

“(5) Broward County, Florida and King County, Washington, have created separate Mental Health Courts to place nonviolent mentally ill offenders into judicially monitored inpatient and outpatient mental health treatment programs, where appropriate, with positive results.”

§ 3796ii–1. Definitions

In this subchapter—

(1) the term “mental illness” means 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) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; and

(2) the term “preliminarily qualified offender with mental illness, mental retardation, or co-occurring mental and substance abuse disorders” means a person who—

(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders; or
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(ii) manifests obvious signs of mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

(B) is deemed eligible by designated judges.


PRIOR PROVISIONS


§ 3796ii–2. Administration

(a) Consultation

The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this subchapter.

(b) Use of components

The Attorney General may utilize any component or components of the Department of Justice in carrying out this subchapter.

(c) Regulatory authority

The Attorney General shall issue regulations and guidelines necessary to carry out this subchapter which include, but are not limited to, the methodologies and outcome measures proposed for evaluating each applicant program.

(d) Applications

In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subchapter shall—

(1) include a long-term strategy and detailed implementation plan;

(2) explain the applicant’s inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program, including the State mental health authority;

(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the mental health court program;

(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

(8) describe the methodology and outcome measures that will be used in evaluating the program; and

(9) certify that participating first time offenders without a history of a mental illness will receive a mental health evaluation.


PRIOR PROVISIONS


§ 3796ii–3. Applications

To request funds under this subchapter, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may reasonably require.


PRIOR PROVISIONS


§ 3796ii–4. Federal share

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the program described in the application submitted under section 3796ii–3 of this title for the fiscal year for which the program receives assistance under this subchapter, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this subchapter shall be limited to new expenses necessitated by the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.


PRIOR PROVISIONS


§ 3796ii–5. Geographic distribution

The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.


PRIOR PROVISIONS

A prior section 3796ii–5, Pub. L. 90–351, title I, §2206, as added Pub. L. 103–322, title V, §50001(a)(3), Sept. 13,
§ 3796jj-6. Report

A State, Indian tribal government, or unit of local government that receives funds under this subchapter during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this subchapter.


PRIOR PROVISIONS


§ 3796jj-7. Technical assistance, training, and evaluation

(a) Technical assistance and training

The Attorney General may provide technical assistance and training in furtherance of the purposes of this subchapter.

(b) Evaluations

In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this subchapter.

(c) Administration

The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.


PRIOR PROVISIONS


SUBCHAPTER XII–K—FAMILY SUPPORT

§ 3796jj. Duties

The Attorney General shall—

(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

(6) determine issues to be researched by the Department of Justice and by grant recipients.


PRIOR PROVISIONS

A prior section 2301 of Pub. L. 90–351 was renumbered section 2601 and is classified to section 3797 of this title.

§ 3796jj–1. General authorization

The Attorney General may make grants to States and local law enforcement agencies and to organizations representing State or local law enforcement personnel to provide family support services to law enforcement personnel.


§ 3796jj–2. Uses of funds

(a) In general

A State or local law enforcement agency or organization that receives a grant under this subchapter shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

(b) Required activities

A law enforcement agency or organization that receives funds under this subchapter shall provide at least one of the following services:

(1) Counseling for law enforcement family members.

(2) Child care on a 24-hour basis.

(3) Marital and adolescent support groups.

(4) Stress reduction programs.

(5) Stress education for law enforcement personnel.

(6) Technical assistance and training to develop stress reduction and family support programs to support any or all of the services described in paragraphs (1), (2), (3), (4), and (5).

(c) Optional activities

A law enforcement agency or organization that receives funds under this subchapter may provide the following services:

(1) Post-shooting debriefing for officers and their spouses.

1 See References in Text note below.
§ 3796jj–3

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(2) Group therapy.
(3) Hypertension clinics.
(4) Critical incident response on a 24-hour basis.
(5) Law enforcement family crisis telephone services on a 24-hour basis.
(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.
(7) Counseling for peers.
(8) Counseling for families of personnel killed in the line of duty.
(9) Seminars regarding alcohol, drug use, gambling, and overeating.
(10) Technical assistance and training to support any or all of the services described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).


REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this Act”, and was translated as reading “this part”, meaning part W of title I of Pub. L. 90–351, to reflect the probable intent of Congress.

§ 3796jj–3. Applications

A law enforcement agency or organization desiring to receive a grant under this subchapter shall submit to the Attorney General an application at such time, in such manner, and containing or accompanied by such information as the Attorney General may reasonably require. Such application shall—

(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;
(2) include a statement from the highest ranking law enforcement official from the State or locality or from the highest ranking official from the organization applying for the grant that attests to the need and intended use of services to be provided with grant funds; and
(3) assure that the Attorney General or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this subchapter.


§ 3796jj–4. Award of grants; limitation

(a) Grant distribution

In approving grants under this subchapter, the Attorney General shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

(b) Duration

The Attorney General may award a grant each fiscal year, not to exceed $100,000, to a State or local law enforcement agency or organization for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Attorney General shall review the progress made toward meeting the objectives of the program. The Attorney General may refuse to award a grant if the Attorney General finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

(c) Limitation

Not more than 5 percent of grant funds received by a State or local law enforcement agency or organization may be used for administrative purposes.


§ 3796jj–5. Discretionary research grants

The Attorney General may reserve 10 percent of funds to award research grants to a State or local law enforcement agency or organization to study issues of importance in the law enforcement field as determined by the Attorney General.


§ 3796jj–6. Reports

A State or local law enforcement agency or organization that receives a grant under this subchapter shall submit to the Attorney General an annual report that includes—

(1) program descriptions;
(2) the number of staff employed to administer programs;
(3) the number of individuals who participated in programs; and
(4) an evaluation of the effectiveness of grant programs.


§ 3796jj–7. Definitions

For purposes of this subchapter—

(1) the term “family-friendly policy” means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and
(2) the term “law enforcement personnel” means individuals employed by Federal, State, and local law enforcement agencies.

§ 3796kk. Grant authorization

The Attorney General may make funds available under this subchapter to States and units of local government, or combinations thereof, to carry out all or a substantial part of a program or project intended to develop or improve the capability to analyze deoxyribonucleic acid (referred to in this subchapter as “DNA”) in a forensic laboratory.


Prior Provisions
A prior section 2401 of Pub. L. 90–351 was renumbered section 2601 and is classified to section 3797 of this title.

Effective Date
Pub. L. 103–322, title XXI, § 210302(c)(4), Sept. 13, 1994, 108 Stat. 2066, provided that: “The amendments made by this section [enacting this subchapter and amending sections 3751, 3753, 3793, and 3797 of this title] shall take effect on the date that is 60 days after the date of enactment of this Act [Sept. 13, 1994].”

§ 3796kk–1. Applications

To request a grant under this subchapter, the chief executive officer of a State or unit of local government shall submit an application in such form as the Attorney General may require.


§ 3796kk–2. Application requirements

No grant may be made under this subchapter unless an application has been submitted to the Attorney General in which the applicant certifies that—

(1) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analyses issued by the Director of the Federal Bureau of Investigation under section 14131 of this title;\(^1\)

(2) DNA samples obtained by and DNA analyses performed at the laboratory shall be made available only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

(3) the laboratory and each analyst performing DNA analyses at the laboratory shall undergo semiannual external proficiency testing by a DNA proficiency testing program that meets the standards issued under section 14131 of this title.


Amendments
2000—Par. (3). Pub. L. 106–546 substituted “semi-annual” for “at regular intervals not exceeding 180 days”.

§ 3796kk–3. Administrative provisions

(a) Regulation authority

The Attorney General may promulgate guidelines, regulations, and procedures, as necessary to carry out the purposes of this subchapter, including limitations on the number of awards made during each fiscal year, the submission and review of applications, selection criteria, and the extension or continuation of awards.

(b) Award authority

The Attorney General shall have final authority over all funds awarded under this subchapter.

(c) Technical assistance

To assist and measure the effectiveness and performance of programs and activities funded under this subchapter, the Attorney General may provide technical assistance as required.


§ 3796kk–4. Restrictions on use of funds

(a) Federal share

The Federal share of a grant, contract, or cooperative agreement made under this subchapter may not exceed 75 percent of the total costs of the project described in the application submitted for the fiscal year for which the project receives assistance.

(b) Administrative costs

A State or unit of local government may not use more than 10 percent of the funds it receives from this subchapter for administrative expenses.


§ 3796kk–5. Reports

(a) Reports to Attorney General

Each State or unit of local government which receives a grant under this subchapter shall submit to the Attorney General, for each year in which funds from a grant received under this subchapter are expended, a report at such time and in such manner as the Attorney General may reasonably require which contains—

(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application submitted under section 3796kk–1 of this title; and

\(^1\)So in original. The period probably should be a semicolon.

\(^1\)So in original. Probably should be “under”. 
(2) such other information as the Attorney General may require.

(b) Reports to Congress

Not later than 90 days after the end of each fiscal year for which grants are made under this subchapter, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report that includes—

(1) the aggregate amount of grants made under this subchapter to each State or unit of local government for such fiscal year; and

(2) a summary of the information provided in compliance with subsection (a)(1) of this section.


§ 3796kk–6. Expenditure records

(a) Records

Each State or unit of local government which receives a grant under this subchapter shall keep records as the Attorney General may require to facilitate an effective audit.

(b) Access

The Attorney General, the Comptroller General, or their designated agents shall have access for the purpose of audit and examination, to any books, documents, and records of States and units of local government which receive grants made under this subchapter if, in the opinion of the Attorney General, the Comptroller General, or their designated agents, such books, documents, and records are related to the receipt or use of any such grant.


SUBCHAPTER XII–M—MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

§ 3796ff. Program authorized

(a) In general

The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase armor vests for use by State, local, and tribal law enforcement officers and State and local court officers.

(b) Uses of funds

Grants awarded under this section shall be—

(1) distributed directly to the State, unit of local government, State or local court, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(c) Preferential consideration

In awarding grants under this subchapter, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

(1) has the greatest need for armor vests based on the percentage of law enforcement officers in the department who do not have access to a vest;

(2) has, or will institute, a mandatory wear policy that requires on-duty law enforcement officers to wear armor vests whenever feasible; and

(3) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

(4) has not received a grant under the Local Law Enforcement Block Grant program described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

(d) Minimum amount

Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

(e) Maximum amount

A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that the State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(f) Matching funds

(1) In general

The portion of the costs of a program provided by a grant under subsection (a) of this section—

(A) may not exceed 50 percent; and

(B) shall equal 50 percent, if—

(i) such grant is to a unit of local government with fewer than 100,000 residents;

(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

(iii) such portion does not cause such grant to violate the requirements of subsection (e) of this section.

(2) Indian assistance

Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

(3) Waiver

The Director may waive in whole or in part, the match requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.
(g) **Allocation of funds**

Funds available under this subchapter shall be awarded, without regard to subsection (c) of this section, to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this subchapter shall be awarded to other qualifying applicants.


**REFERENCES IN TEXT**


**PRIOR PROVISIONS**

A prior section 2501 of Pub. L. 90–351 was renumbered section 2601 and is classified to section 3797 of this title.

**AMENDMENTS**


Subsec. (b)(1). Pub. L. 110–177, §302(d)(2), inserted “State or local court, or Indian tribe” after “government,”.

2000—Subsec. (f). Pub. L. 106–517, §3(a), designated first sentence as par. (1), inserted par. heading, substituted “subsection (a) of this section—” and subpars. (A) and (B) for “subsection (a) of this section may not exceed 50 percent.”, and designated second sentence as par. (2) and inserted par. heading.

Subsec. (g). Pub. L. 106–517, §3(b), amended heading and text of subsec. (g) generally. Prior to amendment, text read as follows: “At least half of the funds available under this subchapter shall be awarded to units of local government with fewer than 100,000 residents.”

**TRANSFER OF FUNCTIONS**

Effective Aug. 1, 2008, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(b) through (g) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1001(a)(1) [title I, §108(b)] of Pub. L. 109–115, set out as a note under section 3741 of this title.

**FINDINGS OF 2000 AMENDMENTS**


“(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

“(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

“(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

“(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States;

“(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ‘public safety crisis in Indian country’.”

**FINDINGS AND PURPOSE OF 1998 AMENDMENTS**


“(a) FINDINGS.—Congress finds that—

“(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

“(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

“(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

“(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

“(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

“(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ‘public safety crisis in Indian country’.

“(b) PURPOSE.—The purpose of this Act [see Short Title of 1998 Amendments note set out under section 3711 of this title] is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with armor vests.”

§3796I–1. **Applications**

(a) **In general**

To request a grant under this subchapter, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

(b) **Regulations**

Not later than 90 days after June 16, 1998, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

(c) **Eligibility**

A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subchapter shall not be eligible for a grant under this subchapter unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relat-
ing to the purchase of armor vests, but did not, or does not expect to use such funds for such purpose.

(d) Applications in conjunction with purchases
If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

(2) expressly assumes the obligation to carry out the transaction, regardless of whether such amounts are received.


REFERENCES IN TEXT

AMENDMENTS

TRANSFER OF FUNCTIONS
Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) through (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1001a(a) [title I, § 108(b)] of Pub. L. 106–113, set out as a note under section 3741 of this title.

§ 3796f–2. Definitions
For purposes of this subchapter—

(1) the term “armor vest” means—

(A) body armor, no less than Type I, which has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to meet or exceed the requirements of NIJ Standard 0115.00, or any subsequent revision of such standard; or

(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;

(2) the term “body armor” means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm;

(3) the term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

(4) the term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(5) the term “Indian tribe” has the same meaning as in section 450b(e) of title 25; and

(6) the term “law enforcement officer” means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.


AMENDMENTS
2000—Par. (1). Pub. L. 106–517 designated provisions after “armor vest” means as subpar. (A) and added subpar. (B).

INTERIM DEFINITION OF ARMOR VEST
Pub. L. 106–517, § 3(e), Nov. 13, 2000, 114 Stat. 2408, provided that: “For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), as amended by this Act, the meaning of the term “armor vest” (as defined in section 2503 of such Act (42 U.S.C. 3796(2))) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantees is located.”

§ 3796f–3. James Guelff and Chris McCurley
Body Armor Act of 2002
(a) Short title
This section may be cited as the “James Guelff and Chris McCurley Body Armor Act of 2002”.

(b) Findings
Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor, a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, and the 1997 murder of Captain Chris McCurley of the Etowah County, Alabama Drug Task Force by a drug dealer shielded by protective body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,500 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;
The Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

(c) Definitions
In this section:

(1) Body armor

The term “body armor” means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) Law enforcement agency

The term “law enforcement agency” means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) Law enforcement officer

The term “law enforcement officer” means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(d) Amendment of sentencing guidelines with respect to body armor

(1) In general

Pursuant to its authority under section 994(p) of title 28, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, as appropriate, to provide an appropriate sentencing enhancement for any crime of violence (as defined in section 16 of title 18) or drug trafficking crime (as defined in section 924(c) of title 18) (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) in which the defendant used body armor.

(2) Sense of Congress

It is the sense of Congress that any sentencing enhancement under this subsection should be at least 2 levels.

(e) Omitted

(f) Donation of Federal surplus body armor

(1) Definitions

In this subsection, the terms “Federal agency” and “surplus property” have the meanings given such terms under section 102 of title 40.

(2) Donation of body armor

Notwithstanding sections 541–555 of title 40, the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor—

(A) is in serviceable condition;

(B) is surplus property; and

(C) meets or exceeds the requirements of National Institute of Justice Standard 0101.03 (as in effect on November 2, 2002).

(3) Notice to Administrator

The head of a Federal agency who donates body armor under this subsection shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(4) Donation by certain officers

(A) Department of Justice

In the administration of this subsection with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(i) The Administrator of the Drug Enforcement Administration.

(ii) The Director of the Federal Bureau of Investigation.

(iii) The Commissioner of the Immigration and Naturalization Service.

(iv) The Director of the United States Marshals Service.

(B) Department of the Treasury

In the administration of this subsection with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(i) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(ii) The Commissioner of Customs.

(iii) The Director of the United States Secret Service.

(5) No liability

Notwithstanding any other provision of law, the United States shall not be liable for any harm occurring in connection with the use or misuse of any body armor donated under this subsection.


Codicification


In subsec. (f), “section 102 of title 40” substituted for “section 3 of the Federal Property and Administrative

Transfer of Functions

For transfer of authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms, including the related functions of the Secretary of the Treasury, to the Department of Justice, see section 531(c) of Title 6, Domestic Security, and section 599A(c)(1) of Title 28, Judiciary and Judicial Procedure.

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 547 of Title 6.

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Abolition of Immigration and Naturalization Service and Transfer of Functions

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

Subchapter XIII—Transition; Effective Date; Repealer

Codification


§3797. Continuation of rules, authorities, and proceedings

(a) Continuing status until otherwise affected

(1) All orders, determinations, rules, regulations, and instructions of the Law Enforcement Assistance Administration which are in effect on December 27, 1979, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Attorney General, the Assistant Attorney General, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or the Director of the Bureau of Justice Assistance with respect to their functions under this chapter or by operation of law.

(b) Obligation by Director of National Institute of Justice of previously appropriated unused or reversionary funds for continuation of research and development projects or purposes of this chapter

The Director of the National Institute of Justice may award new grants, enter into new contracts or cooperative agreements, or otherwise obligate previously appropriated unused or reversionary funds for the continuation of research and development projects in accordance with the provisions of this chapter as in effect on the day before December 27, 1979, based upon applications received under this chapter before December 27, 1979, or for purposes consistent with provisions of this chapter.

(c) Obligation by Director of Bureau of Justice Statistics of pre-fiscal year 1980 appropriated funds for statistical projects or purposes of this chapter

The Director of the Bureau of Justice Statistics may award new grants, enter into new contracts or cooperative agreements or otherwise obligate funds appropriated for fiscal years before 1980 for statistical projects to be expended in accordance with the provisions of this chapter, as in effect on the day before December 27, 1979, based upon applications received under this chapter before December 27, 1979, or for purposes consistent with provisions of this chapter.

(d) Obligation by Administrator of Law Enforcement Assistance Administration of previously appropriated unused or reversionary funds or presently appropriated funds for continuation of projects or purposes of this chapter

The Administrator of the Law Enforcement Assistance Administration may award new grants, enter into new contracts or cooperative agreements, approve comprehensive plans for the fiscal year beginning October 1, 1979, and otherwise obligate previously appropriated unused or reversionary funds or funds appropriated for the fiscal year beginning October 1, 1979, for the continuation of projects in accordance with the provisions of this chapter, as in effect on the day before December 27, 1979, or for purposes consistent with provisions of this chapter.

(e) Pending suits, actions, or other proceedings unaffected

The amendments made to this chapter by the Justice System Improvement Act of 1979 shall not affect any suit, action, or other proceeding commenced by or against the Government before December 27, 1979.

(f) Appropriated funds available for audit matters and continuing programs and projects

Nothing in this chapter prevents the utilization of funds appropriated for purposes of this
chapter for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this chapter. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this chapter, as in effect before December 27, 1979, which continue in operation beyond December 27, 1979, may be carried out with funds appropriated for purposes of this chapter.

(g) Transfer of personnel pursuant to performance-of-functions standard; determination of interim positions for Administrator and Deputy Administrators by Attorney General

Except as otherwise provided in this chapter, the personnel employed on December 27, 1979, by the Law Enforcement Assistance Administration are transferred as appropriate to the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice or the Bureau of Justice Statistics, considering the function to be performed by these organizational units and the functions previously performed by the employee. Determinations as to specific positions to be filled in an acting capacity for a period of not more than ninety days by the Administrator and Deputy Administrators employed on December 27, 1979, may be made by the Attorney General notwithstanding any other provision of law.

(h) Unobligated funds of a State or unit of local government available for cost of any program or project

Any funds made available under subchapters II, III, and V of this chapter, as in effect before December 27, 1979, which are not obligated by a State or unit of local government, may be used to provide up to 100 per centum of the cost of any program or project.

(i) State criminal justice council as the State planning agency for carrying out predecessor provisions

Notwithstanding any other provision of this chapter, all provisions of this chapter, as in effect on the day before December 27, 1979, which are necessary to carry out the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.], remain in effect for the sole purpose of carrying out the Juvenile Justice and Delinquency Prevention Act of 1974, and the State criminal justice council established under this chapter shall serve as the State planning agency for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974.

(j) Construction project funding for additional two years

Notwithstanding the provisions of section 3744(c)(3) of this title, any construction projects which were funded under this chapter, as in effect before December 27, 1979, and which were budgeted in anticipation of receiving additional Federal funding for such construction may continue for two years to be funded under this chapter.

See References in Text note below.
ment due to lack of appropriations, and the remaining programs and staff transferred to the Office of Justice Assistance, Research, and Statistics, effective Apr. 15, 1982, see Notice of Department of Justice, Office of Justice Assistance, Research, and Statistics, Apr. 19, 1982, 47 F.R. 16094.

SUBCHAPTER XIV—MATCHING GRANT PROGRAM FOR SCHOOL SECURITY

§ 3797a. Program authorized

(a) In general

The Director of the Office of Community Oriented Policing Services (in this section referred to as the "Director") is authorized to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

(b) Uses of funds

Grants awarded under this section shall be distributed directly to the State, unit of local government, or Indian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

(1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.
(2) Security assessments.
(3) Security training of personnel and students.
(4) Coordination with local law enforcement.
(5) Any other measure that, in the determination of the Director, may provide a significant improvement in security.

(c) Preferential consideration

In awarding grants under this subchapter, the Director shall give preferential consideration, if feasible, to an application from a jurisdiction that has demonstrated an actual need for improved security, has demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

(d) Matching funds

(1) The portion of the costs of a program provided by a grant under subsection (a) of this section may not exceed 50 percent.
(2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

(e) Equitable distribution

In awarding grants under this subchapter, the Director shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

(f) Administrative costs

The Director may reserve not more than 2 percent from amounts appropriated to carry out this subchapter for administrative costs.

AMENDMENTS


§ 3797b. Applications

(a) In general

To request a grant under this subchapter, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require. Each application shall—

(1) include a detailed explanation of—
(A) the intended uses of funds provided under the grant; and
(B) how the activities funded under the grant will meet the purpose of this subchapter; and
(2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers, child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—
(A) consistent with a comprehensive approach to preventing school violence; and
(B) individualized to the needs of each school at which those improvements are to be made.

(b) Guidelines

Not later than 90 days after October 28, 2000, the Director shall promulgate guidelines to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

AMENDMENTS


§ 3797c. Annual report to Congress

Not later than November 30th of each year, the Director shall submit a report to the Congress regarding the activities carried out under this subchapter. Each such report shall include, for the preceding fiscal year, the number of
grants funded under this subchapter, the amount of funds provided under those grants, and the activities for which those funds were used.


AMENDMENTS

§ 3797d. Definitions
For purposes of this subchapter—
(1) the term “school” means a public elementary or secondary school;
(2) the term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level; and
(3) the term “Indian tribe” has the same meaning as in section 450b(e) of title 25.


§ 3797e. Authorization of appropriations
There are authorized to be appropriated to carry out this subchapter $30,000,000 for each of fiscal years 2001 through 2009.


AMENDMENTS

SUBCHAPTER XV—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

§ 3797j. Grant authorization
The Attorney General shall award grants to States and units of local government in accordance with this subchapter.


AMENDMENTS
Par. (1). Pub. L. 107–273, §5001(b)(2)(B), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “(1) generally. Prior to amendment, par. (1) read as follows: “a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 3797m(a) of this title, and a specific description of the manner in which the grant will be used to carry out that plan;”.
Par. (2). Pub. L. 107–273, §5001(b)(2)(C), inserted “or appropriate certifying bodies” after “accrediting organizations”.
Par. (3). Pub. L. 107–273, §5001(b)(2)(D), inserted “for a State or local plan” after “program”.

§ 3797l. Allocation
(a) In general
(1) Population allocation
Seventy-five percent of the amount made available to carry out this subchapter in each fiscal year shall be allocated to each State that meets the requirements of section 3797k of this title so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this subchapter for that fiscal year as the population of the State bears to the population of all States.

(2) Discretionary allocation
Twenty-five percent of the amount made available to carry out this subchapter in each fiscal year shall be allocated pursuant to the Attorney General’s discretion for competitive awards to States and units of local govern-
ment. In making awards under this subchapter, the Attorney General shall consider the average annual number of part 1 violent crimes reported by each State to the Federal Bureau of Investigation for the 3 most recent calendar years for which data is available and consider the existing resources and current needs of the potential grant recipient.

(3) Minimum requirement

Each State shall receive not less than 0.6 percent of the amount made available to carry out this subchapter in each fiscal year.

(4) Proportional reduction

If the amounts available to carry out this subchapter in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

(b) State defined

In this section, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.


AMENDMENTS

2002—Subsec. (a)(2). Pub. L. 107–273 substituted “for competitive awards to States and units of local government. In making awards under this subchapter, the Attorney General shall consider the average annual number of part 1 violent crimes reported by each State to the Federal Bureau of Investigation for the 3 most recent calendar years for which data is available and consider the existing resources and current needs of the potential grant recipient” for “to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available”.

§ 3797m. Use of grants

(a) In general

A State or unit of local government that receives a grant under this subchapter shall use the grant to do any one or more of the following:

(1) To carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

(2) To eliminate a backlog in the analysis of forensic science evidence, including firearms examination, latent prints, toxicology, controlled substances, forensic pathology, questionable documents, and trace evidence.

(3) To train, assist, and employ forensic laboratory personnel, as needed, to eliminate such a backlog.

(b) Permitted categories of funding

Subject to subsections (c) and (d) of this section, a grant awarded for the purpose set forth in subsection (a)(1) of this section—

(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

(2) may not be used for any general law enforcement or nonforensic investigatory function.

(c) Facilities costs

(1) States receiving minimum grant amount

With respect to a State that receives a grant under this subchapter (including grants received by units of local government within a State) in an amount that does not exceed 0.6 percent of the total amount made available to carry out this subchapter for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a) of this section.

(2) Other States

With respect to a State that receives a grant under this subchapter in an amount that exceeds 0.6 percent of the total amount made available to carry out this subchapter for a fiscal year—

(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a) of this section; and

(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a) of this section.

(d) Administrative costs

Not more than 10 percent of the total amount of a grant awarded under this subchapter may be used for administrative expenses.

(e) Backlog defined

For purposes of this section, a backlog in the analysis of forensic science evidence exists if such evidence—

(1) has been stored in a laboratory, medical examiner’s office, coroner’s office, law enforcement storage facility, or medical facility; and

(2) has not been subjected to all appropriate forensic testing because of a lack of resources or personnel.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–405, §311(a)(1), substituted “shall use the grant to do any one or more of the following:” for “shall use the grant to carry out” and added pars. (2) and (3).


§3797n. Administrative provisions

(a) Regulations

The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this subchapter, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 3797k of this title.

(b) Expenditure records

(1) Records

Each State, or unit of local government within the State, that receives a grant under this subchapter shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

(2) Access

The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this subchapter, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.


§3797o. Reports

(a) Reports to Attorney General

For each fiscal year for which a grant is awarded under this subchapter, each State or unit of local government that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

(1) a summary and assessment of the program carried out with the grant, which shall include a comparison of pre-grant and post-grant forensic science capabilities; and

(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency;

(3) an identification of the number and type of cases currently accepted by the laboratory; and

(4) such other information as the Attorney General may require.

(b) Reports to Congress

Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this subchapter, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

(1) the aggregate amount of grants awarded under this subchapter for that fiscal year; and

(2) a summary of the information provided under subsection (a) of this section.


AMENDMENTS


Subsec. (a)(1). Pub. L. 107–273, §5001(b)(5)(B), inserted “or unit of local government” after “under this subchapter”.

Subsec. (a)(3), (4). Pub. L. 107–273, §5001(b)(5)(C), (E), added par. (3) and redesignated former par. (3) as (4).

SUBCHAPTER XV–A—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAM

§3797q. Grant authority

(a) In general

The Attorney General may make grants to State, Tribal, and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this subchapter.

(b) Qualified drug treatment programs described

For purposes of this subchapter, a qualified drug treatment program is a program—

(1) that is administered by a State, Tribal, or local prosecutor;

(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State or Indian Tribe and licensed, if necessary, to provide medical and other health services;

(3) that requires an eligible offender to receive the consent of the State, Tribal, or local prosecutor involved to participate in such program;

(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime in—
§ 3797q–1. Use of grant funds

(a) In general

A State, Tribal, or local prosecutor that receives a grant under this subchapter shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

(2) Payments for substance abuse treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

(3) Payments to public and nonprofit private entities that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

(b) Supplement and not supplant

Grants made under this subchapter shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this subchapter.

§ 3797q–2. Applications

To request a grant under this subchapter, a State, Tribal, or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State, Tribal, or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this subchapter.

§ 3797q–3. Federal share

(a) Matching requirement

The Federal share of a grant under this subchapter may not exceed 50 percent of the total costs of the qualified drug treatment program funded under such grant.

(b) In-kind contributions

(1) In general

Subject to paragraph (2), the recipient of a grant under this subchapter may meet the matching requirement under subsection (a) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

(2) Maximum percentage

Not more than 50 percent of the amount provided by a recipient of a grant under this subchapter to meet the matching requirement under subsection (a) may be provided through in-kind contributions under paragraph (1).

§ 3797q–4. Geographic distribution

The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this subchapter is equitable and includes State, Tribal, or local prosecutors—

(1) in each State; and

(2) in rural, suburban, Tribal, and urban jurisdictions.
For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797q-5.  Reports and evaluations

For each fiscal year, each recipient of a grant under this subchapter during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797q-6.  Definitions

In this subchapter:

(1)  State or local prosecutor

The term “State, Tribal, or local prosecutor” means any district attorney, State attorney general, county attorney, tribal attorney, or corporation counsel who has authority to prosecute criminal offenses under State, Tribal, or local law.

(2)  Eligible offender

The term “eligible offender” means an individual who—

(A)  has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

(B)  has never been charged with or convicted of an offense, during the course of which—

(i)  the individual carried, possessed, or used a firearm or dangerous weapon; or

(ii)  there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

(C)  does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

(D)(i)  has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

(ii)  has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797s.  Grants authorized

The Attorney General may make grants to States, units of local government, territories, and Indian Tribes to—

(1)  develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders; and

(2)  to provide prison-based family treatment programs for incarcerated parents of minor children.

§ 3797s–1.  Use of grant funds

Grants made to an entity under section 3797s of this title for a program described in such section may be used for—

(1)  the development, implementation, and expansion of prison-based family treatment programs in correctional facilities for incarcerated parents with minor children (except for any such parent who there is reasonable evidence to believe engaged in domestic violence or child abuse);

(2)  the development, implementation, and expansion of residential substance abuse treatment;

(3)  coordination between appropriate correctional facility representatives and the appropriate governmental agencies;

(4)  payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program; and

(5)  salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797s–2.  Program requirements

(a)  In general

A program for which a grant is made under section 3797s(1) of this title shall comply with the following requirements:

(1)  The program shall ensure that all providers of substance abuse treatment are approved
§ 3797s–3 APPLICATIONS

(a) In general

An entity described in section 3797s of this title desiring a grant under this subchapter shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General requires.

(b) Contents

An application under subsection (a) shall include a description of the methods and measurements the applicant will use for purposes of evaluating the program involved.


CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797s–4 REPORTS

An entity that receives a grant under this subchapter during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

(1) is based on evidence-based data; and

(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.


CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797s–5 AUTHORIZATION OF APPROPRIATIONS

(a) In general

There are authorized to be appropriated to carry out this subchapter $10,000,000,000 for each of fiscal years 2009 and 2010.

(b) Use of amounts

Of the amount made available to carry out this subchapter in any fiscal year, not less than 5 percent shall be used for grants to Indian Tribes.


CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

§ 3797s–6 DEFINITIONS

In this subchapter:

(1) Nonviolent parent drug offender

The term “nonviolent parent drug offender” means an offender who is—

(A) a parent of an individual under 18 years of age; and

(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

(2) Nonviolent offense

The term “nonviolent offense” has the meaning given that term in section 3797aa(a) of this title.

(3) Prison-based family treatment program

The term “prison-based family treatment program” means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling,
legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.


CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110–199 and requirements for grants made under such amendments, see section 17504 of this title.

SUBCHAPTER XVI—DRUG COURTS

CODIFICATION


§ 3797u. Grant authority

(a) In general

The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for adult drug courts, juvenile drug courts, family drug courts, and tribal drug courts that involve—

(1) continuing judicial supervision over offenders, and other individuals under the jurisdiction of the court, with substance abuse problems who are not violent offenders;

(2) coordination with the appropriate State or local prosecutor; and

(3) the integrated administration of other sanctions and services which shall include—

(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(B) substance abuse treatment for each participant;

(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress;

(D) offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services;

(E) payment, in whole or part, by the offender of treatment costs, to the extent practicable, such as costs for urinalysis or counseling; and

(F) payment, in whole or part, by the offender of restitution, to the extent practicable, to either a victim of the offender’s offense or to a restitution or similar victim support fund.

(b) Limitation

Economic sanctions imposed on an offender pursuant to this section shall not be at a level that would interfere with the offender’s rehabilitation.

(c) Mandatory drug testing and mandatory sanctions

(1) Mandatory testing

Grant amounts under this subchapter may be used for a drug court only if the drug court has mandatory periodic testing as described in subsection (a)(3)(A). The Attorney General shall, by prescribing guidelines or regulations, specify standards for the timing and manner of complying with such requirements. The standards—

(A) shall ensure that—

(i) each participant is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Attorney General or the court may require; and

(ii) the testing is accurate and practicable; and

(B) may require approval of the drug testing regime to ensure that adequate testing occurs.

(2) Mandatory sanctions

The Attorney General shall, by prescribing guidelines or regulations, specify that grant amounts under this subchapter may be used for a drug court only if the drug court imposes graduated sanctions that increase punitive measures, therapeutic measures, or both whenever a participant fails a drug test. Such sanctions and measures may include, but are not limited to, one or more of the following:

(A) Incarceration.

(B) Detoxification treatment.

(C) Residential treatment.

(D) Increased time in program.

(E) Termination from the program.

(F) Increased drug screening requirements.

(G) Increased court appearances.

(H) Increased counseling.

(I) Increased supervision.

(J) Electronic monitoring.

(K) In-home restriction.

(L) Community service.

(M) Family counseling.

(N) Anger management classes.


AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109–162 substituted “offenders, and other individuals under the jurisdiction of the court, with substance abuse problems” for “offenders with substance abuse problems”.


STUDY BY THE GOVERNMENT ACCOUNTABILITY OFFICE


“(a) IN GENERAL.—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by part EE of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u et seq.) as added by section 2921 [2301] and report to Congress the results of the study on or before January 1, 2005.”
§ 3797u–1. Prohibition of participation by violent offenders

The Attorney General shall—

(1) immediately suspend funding for any grant under this subchapter, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this subchapter;

(2) immediately suspend funding for any grant under this subchapter, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this subchapter.


REGULATIONS

Pub. L. 110–199, title I, §103(c), Apr. 9, 2008, 122 Stat. 668, provided that: “Not later than 90 days after the date of enactment of this Act [Apr. 9, 2008], the Secretary [probably should be ‘the Attorney General’] shall revise any regulations or guidelines described in section 2952 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–1) in accordance with the amendments made by subsection (a) [amending section 3797u–2 of this title]. Such regulations shall specify that grant amounts under part EE of such Act [42 U.S.C. 3797u et seq.] shall be reduced for any drug court that does not adopt the definition of violent offender under such part, as amended by subsection (a) of this section, within 3 years after such date of enactment.”

§ 3797u–2. Definition

(a) In general

Except as provided in subsection (b) of this section, in this subchapter, the term ‘violent offender’ means a person who—

(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct—

(A) the person carried, possessed, or used a firearm or dangerous weapon;

(B) there occurred the death of or serious bodily injury to any person; or

(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) has 1 or more prior convictions for a felony-level offense of involvement in an attempt to cause death or serious bodily harm.

(b) Definition for purposes of juvenile drug courts

For purposes of juvenile drug courts, the term ‘violent offender’ means a juvenile who has been convicted of, or adjudicated delinquent for, a felony-level offense that—

(1) has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, or the possession or use of a firearm; or

(2) 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.


AMENDMENTS


CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments and provisions set out as a note below by Pub. L. 110–199 and for requirements for grants made under such amendments and note, see section 17504 of this title.

PERIOD FOR COMPLIANCE

Pub. L. 110–199, title I, §103(b), Apr. 9, 2008, 122 Stat. 668, provided that: “Notwithstanding section 2952(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–1(2)), each grantee under part EE of such Act (42 U.S.C. 3797u et seq.) shall have not more than 3 years from the date of the enactment of this Act [Apr. 9, 2008] to adopt the definition of ‘violent offender’ under such part, as amended by subsection (a) of this section (amending this section).”

§ 3797u–3. Administration

(a) Consultation

The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this subchapter.

(b) Use of components

The Attorney General may utilize any component or components of the Department of Justice in carrying out this subchapter.

(c) Regulatory authority

The Attorney General may issue regulations and guidelines necessary to carry out this subchapter.

(d) Applications

In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subchapter shall—

(1) include a long-term strategy and detailed implementation plan that shall provide for the consultation and coordination with appropriate State and local prosecutors, particularly when program participants fail to comply with program requirements;
§ 3797u–4. Applications

To request funds under this subchapter, the chief executive or the chief justice of a State or the chief executive or judge of a unit of local government or Indian tribal government, or the chief judge of a State court or the judge of a local court or Indian tribal court shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

§ 3797u–5. Federal share

(a) In general

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the program described in the application submitted under section 3797u–4 of this title for the fiscal year for which the program receives assistance under this subchapter, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section.

(b) In-kind contributions

In-kind contributions may constitute a portion of the non-Federal share of a grant.

§ 3797u–6. Distribution and allocation

(a) Geographic distribution

The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

(b) Technical assistance and training

Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this subchapter has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Bureau of Justice Assistance to assist such State and such eligible applicants to successfully compete for future funding under this subchapter, and to strengthen existing State drug court systems. In providing such technical assistance and training, the Bureau of Justice Assistance shall consider and respond to the unique needs of rural States, rural areas and rural communities.

§ 3797u–7. Report

A State, Indian tribal government, or unit of local government that receives funds under this subchapter during a fiscal year shall submit to the Attorney General a description and an evaluation report on a date specified by the Attorney General regarding the effectiveness of this subchapter.

§ 3797u–8. Technical assistance, training, and evaluation

(a) Technical assistance and training

The Attorney General may provide technical assistance and training in furtherance of the purposes of this subchapter.

(b) Evaluations

In addition to any evaluation requirements that may be prescribed for grantees (including uniform data collection standards and reporting requirements), the Attorney General shall carry out or make arrangements for evaluations of programs that receive support under this subchapter.

(c) Administration

The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.

SUBCHAPTER XVII—OFFENDER REENTRY AND COMMUNITY SAFETY

§ 3797w. Adult and juvenile offender State and local reentry demonstration projects

(a) Grant authorization

The Attorney General shall make grants of up to $1,000,000 to States, local governments, territories, or Indian Tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.

(b) Adult offender reentry demonstration projects

Funds for adult offender demonstration projects may be expended for—

(1) providing offenders in prisons, jails, or juvenile facilities with educational, literacy, vocational, and job placement services to facilitate re-entry into the community;

(2) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient and comprehensive residential services and recovery);

(3) providing coordinated supervision and comprehensive services for offenders upon release from prison, jail, or a juvenile facility, including housing and mental and physical health care to facilitate re-entry into the community, and which, to the extent applicable, are provided by community-based entities (including coordinated reentry veteran-specific services for eligible veterans);

(4) providing programs that—

(A) encourage offenders to develop safe, healthy, and responsible family relationships and parent-child relationships; and

(B) involve the entire family unit in comprehensive reentry services (as appropriate to the safety, security, and well-being of the family and child);

(5) encouraging the involvement of prison, jail, or juvenile facility mentors in the reentry process and enabling those mentors to remain in contact with offenders while in custody and after reentry into the community;

(6) providing victim-appropriate services, encouraging the timely and complete payment of restitution and fines by offenders to victims, and providing services such as security and counseling to victims upon release of offenders; and

(7) protecting communities against dangerous offenders by using validated assessment tools to assess the risk factors of returning inmates and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely.

(c) Juvenile offender reentry demonstration projects

Funds for the juvenile offender reentry demonstration projects may be expended for any activity described in subsection (b).

(d) Applications

A State, unit of local government, territory, or Indian Tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program; and

(4) describes how the project could be broadly replicated if demonstrated to be effective.

(e) Requirements

The Attorney General may make a grant to an applicant under this section only if the application—

(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian Tribe applying for a grant under this section;

(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

(5) includes the use of a State, local, territorial, or Tribal task force, described in subsection (i), to carry out the activities funded under the grant.

(f) Priority considerations

The Attorney General shall give priority to grant applications under this section that best—

(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

(2) include—

(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

(C) coordination with families of offenders;

(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—
(A) planning while offenders are in prison, jail, or a juvenile facility, prerelease transition housing, and community release;

(B) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

(6) target high-risk offenders for reentry programs through validated assessment tools.

(g) Uses of grant funds

(1) Federal share

(A) In general

The Federal share of a grant received under this section may not exceed 50 percent of the project funded under such grant.

(B) In-kind contributions

(i) In general

Subject to clause (ii), the recipient of a grant under this section shall meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

(ii) Maximum percentage

Not more than 50 percent of the amount provided by a recipient of a grant under this section to meet the matching requirement under subparagraph (A) may be provided through in-kind contributions under clause (i).

(2) Supplement not supplant

Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

(h) Reentry strategic plan

(1) In general

As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) by 50 percent over a 5-year period for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section.

(2) Coordination

In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

(3) Measurements of progress

Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

(i) Reentry Task Force

(1) In general

As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders’ time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data on, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

(B) provide the analysis described in subsection (e)(4).

(2) Membership

The task force or other authority under this subsection shall be comprised of—

(A) relevant State, Tribal, territorial, or local leaders; and

(B) representatives of relevant—

(i) agencies;

(ii) service providers;

(iii) nonprofit organizations; and

(iv) stakeholders.

(j) Strategic performance outcomes

(1) In general

Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

(2) Performance outcomes

The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—
(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 17541(d)(3)(B) of this title; (B) reduction in crime; (C) increased employment and education opportunities; (D) reduction in violations of conditions of supervised release; (E) increased payment of child support; (F) increased housing opportunities; (G) reduction in drug and alcohol abuse; and (H) increased participation in substance abuse and mental health services.

(3) Other outcomes

A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

(4) Coordination

A grantee under this section shall coordinate with communities and stakeholders data collection and measurement activities as provided for in the grant application materials.

(5) Report

Each grantee under this section shall submit to the Attorney General an annual report that—

(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and (B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

(k) Performance measurement

(1) In general

The Attorney General, in consultation with grantees under this section, shall—

(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section; (B) identify sources and methods of data collection in support of performance measurement required under this section; (C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and (D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

(2) Coordination

The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

(3) Standards for analysis

Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(l) Future eligibility

To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application; (2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period; (3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k); and (4) the grantee has made adequate progress, as determined by the Attorney General, toward reducing the rate of recidivism by 10 percent over a 2-year period.

(m) National Adult and Juvenile Offender Reentry Resource Center

(1) Authority

The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

(2) Eligible organization

An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

(3) Use of funds

The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

(A) provide education, training, and technical assistance for States, tribes, terri-
(4) Limit

Of amounts made available to carry out this section, not more than 4 percent of the authorized level shall be available to carry out this subsection.

(n) Administration

Of amounts made available to carry out this section—

(1) not more than 2 percent of the authorized level shall be available for administrative expenses in carrying out this section; and  

(2) not more than 2 percent of the authorized level shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and  

(B) generates evidence on which reentry approaches and strategies are most effective.

(o) Authorization of appropriations

(1) In general

To carry out this section, there are authorized to be appropriated $55,000,000 for each of fiscal years 2009 and 2010.

(2) Limitation; equitable distribution

(A) Limitation

Of the amount made available to carry out this section for any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.

(B) Equitable distribution

The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.

References in text

Section 1754(d)(3)(B) of this title, referred to in subsection (j)(2)(A), was in the original “section 234(c)(2) of the Second Chance Act of 2007”, and was translated as reading “section 231(d)(3)(B) of the Second Chance Act of 2007”, meaning section 231(d)(3)(B) of Pub. L. 110–199, to reflect the probable intent of Congress, because Pub. L. 110–199 does not contain a section 234(c)(2), and section 231(d)(3)(B) of Pub. L. 110–199 relates to the selection of a measure for recidivism to be used by the Director of the Bureau of Justice Statistics.

Amendments

2008—Subsec. (a). Pub. L. 110–199, § 101(d), substituted “States, local governments, territories, or Indian Tribes, or any combination thereof; in partnership with stakeholders, service providers, and nonprofit organizations;” for “States, Territories, and Indian tribes, in partnership with units of local government and nonprofit organizations, for the purpose of establishing adult and juvenile offender reentry demonstration projects.”

Subsec. (b)(1) to (7). Pub. L. 110–199, § 101(a), added paras. (1) to (7) and struck out former paras. (1) to (4) which read as follows:

“(1) oversight/monitoring of released offenders;  

“(2) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and basic educational training, and other programming to promote effective reintegration into the community as needed;  

“(3) convening community impact panels, victim impact panels or victim impact educational classes; and  

“(4) establishing and implementing graduated sanctions and incentives.”

Subsec. (c). Pub. L. 110–199, § 101(b), substituted “may be expended for any activity described in subsection (b)” for “may be expended for—  

“(1) providing returning juvenile offenders with drug and alcohol testing and treatment and mental and medical health assessment and services;  

“(2) convening victim impact panels, restorative justice panels, or victim impact educational classes for juvenile offenders;  

“(3) oversight/monitoring of released juvenile offenders; and  

“(4) providing for the planning of reentry services when the youth is initially incarcerated and coordinating the delivery of community-based services, such as education, family involvement and support, and other services as needed.”

Subsecs. (d) to (n), redesignated former subsec. (h) as (o), and struck out former subsecs. (d) to (g) which related to submission of application, applicant requirements, matching funds, and reports, respectively.

Subsec. (o)(1). Pub. L. 110–199, § 101(e)(1), substituted “$55,000,000 for each of fiscal years 2009 and 2010” for “$15,000,000 for fiscal year 2009, $15,500,000 for fiscal year 2004, and $15,000,000 for fiscal year 2005.”

Subsec. (o)(2). Pub. L. 110–199, § 101(e)(2), amended par. (2) generally. Prior to amendment, text read as follows:
section, of not more than $500,000 to—

(a) Grants authorized

The Attorney General may award grants, in accordance with this section, of not more than $500,000 to—

(1) State, Tribal, and local courts; and
(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian Tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 3797w(b)(19) of this title).

(b) Use of grant funds

Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

(1) monitor juvenile and adult offenders reentering the community;
(2) provide juvenile and adult offenders reentering the community with coordinated and comprehensive reentry services and programs such as—
   (A) drug and alcohol testing and assessment for treatment;
   (B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;
   (C) substance abuse treatment from a provider that is approved by the State or Indian Tribe, and licensed, if necessary, to provide medical and other health services;
   (D) health (including mental health) services and assessment;
   (E) aftercare and case management services that—
      (i) facilitate access to clinical care and related health services; and
      (ii) coordinate with such clinical care and related health services; and
   (F) other appropriate social services; and
(3) convene community impact panels, victim impact panels, or victim impact educational classes;
(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—
   (A) housing assistance;
   (B) education;
   (C) job training;
   (D) conflict resolution skills training;
   (E) batterer intervention programs; and
   (F) any other services needed for reentry;
(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—
   (A) drug and alcohol testing and assessment for treatment;
   (B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;
   (C) substance abuse treatment from a provider that is approved by the State or Indian Tribe, and licensed, if necessary, to provide medical and other health services;
   (D) health (including mental health) services and assessment;
   (E) aftercare and case management services that—
      (i) facilitate access to clinical care and related health services; and
      (ii) coordinate with such clinical care and related health services; and
   (F) any other services needed for reentry;
(5) establish and implement graduated sanctions and incentives.

(c) Rule of construction

Nothing in this section shall be construed as preventing a grantee that operates a drug court under subchapter XVI at the time a grant is awarded under this section from using funds from such grant to supplement such drug court in accordance with paragraphs (1) through (5) of subsection (b).

(d) Application

To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

(1) describes the program to be assisted under this section and the need for such program;
(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;
(3) identifies the governmental and community agencies that will be coordinated by the project;
(4) certifies that—
   (A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;
   (B) there will be appropriate coordination with all such agencies in the implementation of the program; and
   (C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 17521(e) of this title) of the State; and
(5) describes the methodology and outcome measures that will be used to evaluate the program.
(e) Federal share

(1) Matching requirement

The Federal share of a grant under this section may not exceed 50 percent of the program funds under such grant.

(2) In-kind contributions

(A) In general

Subject to subparagraph (B), the recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

(B) Maximum percentage

Not more than 50 percent of the amount provided by a recipient of a grant under this section to meet the matching requirement under paragraph (1) may be provided through in-kind contributions under subparagraph (A).

(3) Supplement not supplant

Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

(f) Annual report

Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

(1) a summary of the activities carried out under the program assisted by the grant;

(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

(3) such other information as the Attorney General may require.

(g) Authorization of appropriations

(1) In general

There are authorized to be appropriated $10,000,000 for each of fiscal years 2009 and 2010 to carry out this section.

(2) Limitations; equitable distribution

(A) Limitations

Of the amount made available to carry out this section in any fiscal year—

(i) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

(ii) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.

(B) Equitable distribution

The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.


§ 3797y–2. Statewide strategic prevention plan

(a) In general

A statewide strategic prevention plan shall be used by the rural State to assist local communities, both directly and through existing State programs and services, in building comprehensive, strategic, and innovative approaches to reducing crime, violence, and substance abuse based on local conditions and needs.

(b) Goals

The plan must contain statewide long-term goals and measurable annual objectives for reducing crime, violence, and substance abuse.

(c) Accountability

The rural State shall be required to develop and report in its plan relevant performance targets and measures for the goals and objectives to track changes in crime, violence, and substance abuse.

(d) Consultation

The rural State shall form a State crime free communities commission that includes rep-
resentatives of State and local government, and community leaders who will provide advice and recommendations on relevant community goals and objectives, and performance targets and measures.


§ 3797y–3. Requirements

(a) Training and technical assistance

The rural State shall provide training and technical assistance, including through such groups as the National Crime Prevention Council, to assist local communities in developing Crime Prevention Plans that reflect statewide strategic goals and objectives, and performance targets and measures.

(b) Reports

The rural State shall provide a report on its statewide strategic plan to the Attorney General, including information about—

(1) involvement of relevant State-level agencies to assist communities in the development and implementation of their Crime Prevention Plans;

(2) support for local applications for Community Grants; and

(3) community progress toward reducing crime, violence, and substance abuse.

(c) Certification

Beginning in the third year of the program, States must certify that the local grantee’s project funded under the community grant is generally consistent with statewide strategic goals and objectives, and performance targets and measures.


§ 3797y–4. Authorization of appropriations

There are authorized to be appropriated $10,000,000 to carry out this subchapter for each of fiscal years 2003, 2004, and 2005.


SUBCHAPTER XIX—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS

§ 3797aa. 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 subchapter XII–J of this chapter.

(7) Mental illness

The term “mental illness” means 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 one 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

The term “preliminarily qualified offender” means an adult or juvenile accused of a nonviolent offense who—

(A)(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; or

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

(B) has faced, is facing, or could face criminal charges for a misdemeanor or nonviolent offense and is deemed eligible by a diversion process, designated pretrial screening process, or by a magistrate or judge, on the ground that the commission of the offense is the product of the person’s mental illness.

(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 subchapter XII–J of this chapter 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) Amount
The amount of a planning grant may not exceed $75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

(E) 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 non-renewable 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 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
(ii) 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 subchapter XII–J of this chapter, 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.

(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; or
4. (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, may use up to 3 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 October 30, 2004, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to preliminarily qualified offenders.

(g) Minimum allocation

Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

(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.

(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.

(i) 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 2009 through 2014.

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

REFERENCES IN TEXT

AMENDMENTS
2008—Subsec. (c). Pub. L. 110–416, §3(c), amended subsec. (c) generally. Prior to amendment, text read as follows:

"The Attorney General, in awarding funds under this section, shall give priority to applications that—

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

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

"(3) 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 re-entry services for such individuals; and

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


Former subsec. (h) redesignated (i).

Pub. L. 110–416, §3(b), designated existing provisions as par. (1), inserted heading, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, realigned margins, and added par. (2).

Pub. L. 110–416, §3(a), substituted "for each of the fiscal years 2006 and 2007, and" for "for fiscal years 2006 through 2009."


FINDINGS

"(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

"(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

"(3) Los Angeles County Jail and New York’s Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

"(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest."


"(1) According to the Bureau of Justice Statistics, over 16 percent of adults incarcerated in United States jails and prisons have a mental illness.

"(2) According to the Office of Juvenile Justice and Delinquency Prevention, approximately 20 percent of youth in the juvenile justice system have serious mental health problems, and a significant number have co-occurring mental health and substance abuse disorders.

"(3) According to the National Alliance for the Mentally Ill, up to 40 percent of adults who suffer from a serious mental illness will come into contact with the American criminal justice system at some point in their lives.

"(4) According to the Office of Juvenile Justice and Delinquency Prevention, over 150,000 juveniles who come into contact with the juvenile justice system each year meet the diagnostic criteria for at least 1 mental or emotional disorder.

"(5) A significant proportion of adults with a serious mental illness who are involved with the criminal justice system are homeless or at imminent risk of homelessness, and many of these individuals are arrested and jailed for minor, nonviolent offenses.

"(6) The majority of individuals with a mental illness or emotional disorder who are involved in the criminal or juvenile justice systems are responsive to medical and psychological interventions that integrate treatment, rehabilitation, and support services.

"(7) Collaborative programs between mental health, substance abuse, and criminal or juvenile justice systems that ensure the provision of services for those with mental illness or co-occurring mental illness and substance abuse disorders can reduce the number of such individuals in adult and juvenile corrections facilities, while providing improved public safety."

PURPOSE
Pub. L. 108–414, §3, Oct. 30, 2004, 118 Stat. 2328, provided that: "The purpose of this Act [see Short Title of 2004 Amendment note set out under section 3711 of this title] is to increase public safety by facilitating collaboration among the criminal justice, juvenile justice, mental health treatment, and substance abuse systems. Such collaboration is needed to—

"(1) protect public safety by intervening with adult and juvenile offenders with mental illness or co-occurring mental illness and substance abuse disorders;"
(B) to improve the ability of State, territorial, Tribal, and local government institutions of to carry out such programs.

(2) Grant authorization

The Attorney General, through the Bureau of Justice Assistance in the Office of Justice Programs may make grants to States, territories, and Indian tribes to address the manufacture, sale, and use of methamphetamine to enhance public safety.

(3) Grant projects to address methamphetamine manufacture sale and use

Grants made under subsection (a) may be used for programs, projects, and other activities to—

(A) investigate, arrest and prosecute individuals violating laws related to the use, manufacture, or sale of methamphetamine;

(B) reimburse the Drug Enforcement Administration for expenses related to the cleanup of methamphetamine clandestine labs;

(C) support State, Tribal, and local health department and environmental agency services deployed to address methamphetamine; and

(D) procure equipment, technology, or support systems, or pay for resources, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in the reduction in the use, sale, and manufacture of methamphetamine.


(a) Purpose and program authority

(1) Grant authorization

The Attorney General shall make grants to States, territories, and Indian tribes (as defined in section 3797d of this title) for the purpose of carrying out programs to provide comprehensive services to aid children who are living in a home in which methamphetamine or other controlled substances are unlawfully manufactured, distributed, dispensed, or used.

(b) Certain requirements

The Attorney General shall ensure that the services carried out with grants under subsection (a) include the following:

1. Coordination among law enforcement agencies, prosecutors, child protective services, social services, health care services, and any other services determined to be appropriate by the Attorney General to provide assistance regarding the problems of children described in subsection (a).

2. Transition of children from toxic or drug-endangering environments to appropriate residential environments.

(c) Authorization of appropriations

For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 and 2009. Amounts appropriated under the preceding sentence shall remain available until expended.


Grants made under subsection (a) may be used to—

1. Support State, Tribal, and local government institutions of

2. To carry out such programs.

AMENDMENTS


§ 3797cc–3. Authority to award competitive grants to address methamphetamine use by pregnant and parenting women offenders

(a) Purpose and program authority

(1) Grant authorization

The Attorney General may award competitive grants to address the use of methamphetamine among pregnant and parenting women offenders to promote public safety, public health, family permanence and well being.

(2) Purposes and program authority

Grants awarded under this section shall be used to facilitate or enhance collaboration between the criminal justice, child welfare, and State, territorial, or Tribal substance abuse systems in order to carry out programs to address the use of methamphetamine drugs by pregnant and parenting women offenders.

(b) Definitions

In this section, the following definitions shall apply:

1 So in original. The word “of” probably should not appear.
(1) Child welfare agency

The term "child welfare agency" means the State, territorial, or Tribal agency responsible for child or family services and welfare.

(2) Criminal justice agency

The term "criminal justice agency" means an agency of the State, territory, Indian tribe, 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, territory, Indian tribe, or local government.

(C) Indian tribe

The term "Indian tribe" has the meaning given the term in section 3797d of this title.

(e) Applications

(1) In general

No grant may be awarded under this section unless an application has been submitted to, and approved by, the Attorney General.

(2) Application

An application for a grant under this section shall be submitted in such form, and contain such information, as the Attorney General,\(^3\) may prescribe by regulation or guidelines.

(3) Eligible entities

The Attorney General shall make grants to States, territories, and Indian tribes. Applicants must demonstrate extensive collaboration with the State criminal justice agency and child welfare agency in the planning and implementation of the program.

(4) Contents

In accordance with the regulations or guidelines established by the Attorney General in consultation with the Secretary of Health and Human Services, each application for a grant under this section shall contain a plan to expand the services for pregnant and parenting women offenders who are pregnant women or women with dependent children for the use of methamphetamine or methamphetamine and other drugs and include the following in the plan:

(A) A description of how the applicant will work jointly with the criminal justice and child welfare agencies needs\(^4\) associated with the use of methamphetamine or methamphetamine and other drugs by pregnant and parenting women offenders to promote family stability and permanence.

(B) A description of the nature and the extent of the problem of methamphetamine use by pregnant and parenting women offenders.

(C) A certification that the State has involved counties, Indian tribes, and other units of local government, when appropriate, in the development, expansion, modification, operation or improvement of proposed programs to address the use, manufacture, or sale of methamphetamine.

(D) A certification that funds received under this section will be used to supplement, not supplant, other Federal, State, Tribal, and local funds.

(E) A description of clinically appropriate practices and procedures to—

(i) screen and assess pregnant and parenting women offenders for addiction to methamphetamine and other drugs;

(ii) when clinically appropriate for both the women and children, provide family treatment for pregnant and parenting women offenders, with clinically appropriate services in the same location to promote family permanence and self sufficiency; and

(iii) provide for a process to enhance or ensure the abilities of the child welfare agency, criminal justice agency and State substance agency to work together to reunite families when appropriate in the case where family treatment is not provided.

(d) Period of grant

The grant shall be a three-year grant. Successful applicants may reapply for only one additional three-year funding cycle and the Attorney General may approve such applications.

(e) Performance accountability; reports and evaluations

(1) Reports

Successful applicants shall submit to the Attorney General a report on the activities carried out under the grant at the end of each fiscal year.

(2) Evaluations

Not later than 12 months at\(^5\) the end of the 3-year funding cycle under this section, the Attorney General shall submit a report to the appropriate committees of jurisdiction that summarizes the results of the evaluations conducted by recipients and recommendations for further legislative action.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary.


CODIFICATION

Section was enacted as part of the Combat Methamphetamine Epidemic Act of 2005, and also as part of the USA PATRIOT Improvement and Reauthorization Act of 2005, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

AMENDMENTS


Subsec. (b)(1). Pub. L. 110–161, § 220(c)(2)(A), inserted "..., territorial, or Tribal" after "State" and substituted "or" for "and/or".

\(^{3}\) So in original. Probably should be "after".

\(^{4}\) So in original. Probably should be "after".

\(^{5}\) So in original. Probably should be "after".
§ 3797cc-21 TITLE 42—THE PUBLIC HEALTH AND WELFARE

(a) Purpose

The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

(b) Definitions

In this section:

(1) Prosecutor

The term “prosecutor” means a full-time employee of a State or unit of local government who—

(A) is continually licensed to practice law; and

(B) prosecutes criminal or juvenile delinquency cases at the State or unit of local government level (including supervision, education, or training of other persons prosecuting such cases).

(2) Public defender

The term “public defender” means an attorney who—

(A) is continually licensed to practice law; and

(B) is—

(i) a full-time employee of a State or unit of local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of the employee’s full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation); or

(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18 that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

(c) Program authorized

The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

(1) is employed as a prosecutor or public defender; and

(2) is not in default on a loan for which the borrower seeks forgiveness.

(d) Terms of agreement

(1) In general

To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than three years, unless involuntarily separated from that employment;

(B) if the borrower is involuntarily separated from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee’s estate, if applicable) by such methods as are

(2) Student loan

(A) In general

Except as provided in subparagraph (B), the term “student loan” means—

(i) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); and

(ii) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

(iii) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1087–3 and 1087e(g)).

(B) Exclusion of parent PLUS loans

The term “student loan” does not include any of the following loans:


(ii) A Federal Direct PLUS Loan made to the parents of a dependent student.

(iii) A loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a loan described in clause (i) or (ii).
provided by law for the recovery of amounts owed to the Federal Government;

(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

(2) Repayments

(A) In general
Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

(B) Merger
Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

(3) Limitations

(A) Student loan payment amount
Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

(i) $10,000 for any borrower in any calendar year; or

(ii) an aggregate total of $60,000 in the case of any borrower.

(B) Beginning of payments
Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

(e) Additional agreements

(1) In general
On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

(2) Term
An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than three years.

(f) Award basis; priority

(1) Award basis
Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

(B) subject to the availability of appropriations.

(2) Priority
The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

(A) received repayment benefits under this section during the preceding fiscal year; and

(B) has completed less than three years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

(g) Regulations
The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

(h) Report by Inspector General
Not later than three years after August 14, 2008, the Inspector General of the Department of Justice shall submit to Congress a report on—

(1) the cost of the program authorized under this section; and

(2) the impact of such program on the hiring and retention of prosecutors and public defenders.

(i) GAO study
Not later than one year after August 14, 2008, the Comptroller General shall conduct a study of, and report to Congress on, the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities.

(j) Authorization of appropriations
There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

Title XX—Public Health Services and Related Agencies
Subchapter XX—Grant Program to Evaluate and Improve Educational Methods at Prisons, Jails, and Juvenile Facilities

REGULATIONS

MODIFICATION
Another section 3001 of Pub. L. 90–351 is classified to section 3797dd of this title.

SUBCHAPTER XX–B—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

MODIFICATION
This subchapter is comprised of part JJ of title I of the Omnibus Crime Control and Safe Streets Act of
§ 3797dd. Grant program to evaluate and improve educational methods at prisons, jails, and juvenile facilities

(a) Grant program authorized

The Attorney General may carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian Tribes, and other public and private entities to—

(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities;

(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1); and

(3) improve the academic and vocational education programs (including technology, career training) available to offenders in prisons, jails, and juvenile facilities.

(b) Application

To be eligible for a grant under this subchapter, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

(c) Report

Not later than 90 days after the last day of the final fiscal year of a grant under this subchapter, each entity described in subsection (a) receiving such a grant shall submit to the Attorney General a detailed report of the progress made by the entity using such grant, to permit the Attorney General to evaluate and improve academic and vocational education methods carried out with grants under this subchapter.

§ 3797ee. Sex offender apprehension grants

(a) Authority to make sex offender apprehension grants

(1) In general

From amounts made available to carry out this subchapter, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in paragraph (2).

(2) Covered activities

An activity referred to in paragraph (1) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this subchapter.

§ 3797ee–1. Juvenile sex offender treatment grants

(a) Authority to make juvenile sex offender treatment grants

(1) In general

From amounts made available to carry out this subchapter, the Attorney General may make grants to units of local government, Indian tribal governments, correctional facilities, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in paragraph (2).

(2) Covered activities

An activity referred to in paragraph (1) is any program, project, or other activity to assist in the treatment of juvenile sex offenders.

(b) Juvenile sex offender defined

For purposes of this section, the term “juvenile sex offender” is a sex offender who had not attained the age of 18 years at the time of his or her offense.
(c) Authorization of appropriations

There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2009 to carry out this subchapter.


CHAPTER 47—JUVENILE DELINQUENCY

PREVENTION AND CONTROL

§ 3801. Omitted

CODIFICATION

Section, Pub. L. 90–445, §2, as added Pub. L. 92–381, §1, Aug. 14, 1972, 86 Stat. 532, which set out the Congressional findings and declaration of purpose for this chapter, was omitted in view of appropriations not being authorized for fiscal years after 1975.


SUBCHAPTER I—PREVENTIVE SERVICES AND DEMONSTRATION PROGRAMS

PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES

§§ 3811 to 3814. Omitted

CODIFICATION

Appropriations for this part have not been authorized for fiscal years after 1975.


SUBCHAPTER II—TRAINING

§§ 3861, 3862. Omitted

CODIFICATION

Appropriations for this subchapter have not been authorized for fiscal years after 1975.