

REFERENCES IN TEXT

Section 801 of the Cranston-Gonzalez National Affordable Housing Act, referred to in subsec. (a)(2)(D), is section 801 of Pub. L. 101-625.

CODIFICATION

Section was enacted as part of the Quality Housing and Work Responsibility Act of 1998, and not as part of subtitles C to F of title VI of Pub. L. 102-550 which comprise this chapter.

CHAPTER 136—VIOLENT CRIME CONTROL AND LAW ENFORCEMENT

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SUBCHAPTER I—PRISONS

PART A—VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING INCENTIVE GRANTS

§ 13701. Definitions

Unless otherwise provided, for purposes of this part—

(1) the term “indeterminate sentencing” means a system by which—

(A) the court may impose a sentence of a range defined by statute; and

(B) an administrative agency, generally the parole board, or the court, controls release within the statutory range;

(2) the term “part 1 violent crime” 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; and

(3) the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(Pub. L. 103-322, title II, §20101, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-15; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

PRIOR PROVISIONS

A prior section 13701, Pub. L. 103-322, title II, §20101, Sept. 13, 1994, 108 Stat. 1815, related to grants for correctional facilities prior to the general amendment of this part by Pub. L. 104-134.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-360, §1, Oct. 8, 2008, 122 Stat. 4008, provided that: “This Act [amending sections 14135, 14136, and 14136a of this title] may be cited as the ‘Debbie Smith Reauthorization Act of 2008.’”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-248, title VI, §611, July 27, 2006, 120 Stat. 632, provided that: “This subtitle [subtitle B (§§611-617) of title VI of Pub. L. 109-248, amending provisions set out as a note under section 13751 of this title] may be cited as the ‘National Police Athletic League Youth Enrichment Reauthorization Act of 2006.’”

Pub. L. 109-162, §1, Jan. 5, 2006, 119 Stat. 2960, as amended Pub. L. 109-271, §1(a), Aug. 12, 2006, 120 Stat. 750, provided that:

“(a) IN GENERAL.—This Act [see Tables for classification] may be cited as the ‘Violence Against Women and Department of Justice Reauthorization Act of 2005’.

“(b) SEPARATE SHORT TITLES.—Section 3 and titles I through IX of this Act [see Tables for classification] may be cited as the ‘Violence Against Women Reauthorization Act of 2005’. Title XI of this Act [see Tables for classification] may be cited as the ‘Department of Justice Appropriations Authorization Act of 2005.’”

Pub. L. 109-162, title X, §1001, Jan. 5, 2006, 119 Stat. 3084, provided that: “This title [amending sections 14132, 14135, and 14135a of this title and sections 3142 and 3297 of Title 18, Crimes and Criminal Procedure] may be cited as the ‘DNA Fingerprint Act of 2005.’”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-405, §1(a), Oct. 30, 2004, 118 Stat. 2260, provided that: “This Act [enacting sections 10603d, 10603e, 14136 to 14136e, and 14163 to 14163e of this title and chapters 228A and 237 and section 3297 of Title 18, Crimes and Criminal Procedure, amending sections 3793, 3796gg to 3796gg-6, 3797k, 3797m, 14132, 14133, 14135, 14135a, and 14135e of this title, section 1565 of Title 10, Armed Forces, and section 2513 of Title 28, Judiciary and Judicial Procedure, repealing section 10606 of this title, and enacting provisions set out as notes under this section and sections 3796gg-1 and 14136 of this title, sections 3297, 3600, and 3771 of Title 18, and section 531 of Title 28] may be cited as the ‘Justice for All Act of 2004.’”

Pub. L. 108-405, title II, §201, Oct. 30, 2004, 118 Stat. 2266, provided that: “This title [enacting section 3297 of Title 18, Crimes and Criminal Procedure, amending sections 3796gg-6, 14132, 14133, 14135, 14135a, and 14135e of this title and section 1565 of Title 10, Armed Forces, and enacting provisions set out as notes under section 3297 of Title 18 and section 531 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Debbie Smith Act of 2004.’”

Pub. L. 108-405, title III, §301, Oct. 30, 2004, 118 Stat. 2272, provided that: “This title [enacting sections 14136 to 14136d of this title, amending sections 3793, 3796gg to 3796gg-5, 3797k, 3797m, 14132, and 14135e of this title, and enacting provisions set out as a note under section 3796gg-1 of this title] may be cited as the ‘DNA Sexual Assault Justice Act of 2004.’”

SHORT TITLE OF 2000 AMENDMENTS

Pub. L. 106-560, §1, Dec. 21, 2000, 114 Stat. 2784, provided that: “This Act [enacting sections 13726 to 13726c of this title] may be cited as the ‘Interstate Transportation of Dangerous Criminals Act of 2000’ or ‘Jeanna’s Act.’”

Pub. L. 106-546, §1, Dec. 19, 2000, 114 Stat. 2726, provided that: “This Act [enacting sections 14135 to 14135e of this title and section 1565 of Title 10, Armed Forces, amending sections 3753, 3796kk-2, 14132, and 14133 of this title and sections 3563, 3583, and 4209 of Title 18, Crimes and Criminal Procedure, enacting provisions set out as notes under section 14135 of this title and section 1565 of Title 10, and amending provisions set out as a note under section 531 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘DNA Analysis Backlog Elimination Act of 2000.’”

Pub. L. 106-386, div. B, §1001, Oct. 28, 2000, 114 Stat. 1491, provided that: “This division [see Tables for classification] may be cited as the ‘Violence Against Women Act of 2000.’”

Pub. L. 106-297, §1, Oct. 13, 2000, 114 Stat. 1045, provided that: “This Act [amending section 13704 of this title] may be cited as the ‘Death in Custody Reporting Act of 2000.’”

SHORT TITLE OF 1996 AMENDMENTS

Pub. L. 104-236, §1, Oct. 3, 1996, 110 Stat. 3093, provided that: “This Act [enacting sections 14072 and 14073 of this title, amending section 14071 of this title, and enacting provisions set out as notes under section 14071 of this title] may be cited as the ‘Pam Lychner Sexual Offender Tracking and Identification Act of 1996.’”

Pub. L. 104-145, §1, May 17, 1996, 110 Stat. 1345, provided that: "This Act [amending section 14071 of this title] may be cited as 'Megan's Law'."

SHORT TITLE

Pub. L. 103-322, §1, Sept. 13, 1994, 108 Stat. 1796, provided that: "This Act [see Tables for classification] may be cited as the 'Violent Crime Control and Law Enforcement Act of 1994'."

Pub. L. 103-322, title III, §31101, Sept. 13, 1994, 108 Stat. 1882, provided that: "This subtitle [subtitle K (§§31101-31133) of title III of Pub. L. 103-322, enacting part G (§13821 et seq.) of subchapter II of this chapter] may be cited as the 'National Community Economic Partnership Act of 1994'."

Pub. L. 103-322, title III, §31901, Sept. 13, 1994, 108 Stat. 1892, provided that: "This subtitle [subtitle S (§§31901-31922) of title III of Pub. L. 103-322, enacting part I (§13881 et seq.) of subchapter II of this chapter] may be cited as the 'Family Unity Demonstration Project Act'."

Pub. L. 103-322, title IV, §40001, Sept. 13, 1994, 108 Stat. 1902, provided that: "This title [see Tables for classification] may be cited as the 'Violence Against Women Act of 1994'."

Pub. L. 103-322, title IV, §40101, Sept. 13, 1994, 108 Stat. 1903, provided that: "This subtitle [subtitle A (§§40101-40156) of title IV of Pub. L. 103-322, enacting part A (§13931 et seq.) of subchapter III of this chapter, sections 300w-10, 3796gg to 3796gg-5, and 5712d of this title, section 1a-7a of Title 16, Conservation, and sections 2247, 2248, and 2259 of Title 18, Crimes and Criminal Procedure, amending sections 3793, 3796aa-1 to 3796aa-3, 3796aa-5, 3796aa-6, 3797, 13012, 13014, 13021, and 13024 of this title, section 460l-8 of Title 16, and Rule 412 of the Federal Rules of Evidence, repealing sections 3796aa-4 and 3796aa-7 of this title, and enacting provisions set out as notes under sections 994 and 2074 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Safe Streets for Women Act of 1994'."

Pub. L. 103-322, title IV, §40201, Sept. 13, 1994, 108 Stat. 1925, provided that: "This title [probably should be "subtitle", meaning subtitle B (§§40201-40295) of title IV of Pub. L. 103-322, enacting part B (§13951 et seq.) of subchapter III of this chapter, sections 3796hh to 3796hh-4 and 10416 to 10418 of this title, and sections 2261 to 2266 of Title 18, Crimes and Criminal Procedure, and amending sections 3782, 3783, 3793, 3797, 10402, and 10407 to 10410 of this title] may be cited as the 'Safe Homes for Women Act of 1994'."

Pub. L. 103-322, title IV, §40301, Sept. 13, 1994, 108 Stat. 1941, provided that: "This subtitle [subtitle C (§§40301-40304) of title IV of Pub. L. 103-322, enacting part C (§13981) of subchapter III of this chapter and amending section 1988 of this title and section 1445 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Civil Rights Remedies for Gender-Motivated Violence Act'."

Pub. L. 103-322, title IV, §40401, Sept. 13, 1994, 108 Stat. 1942, provided that: "This subtitle [subtitle D (§§40401-40422) of title IV of Pub. L. 103-322, enacting part D (§13991 et seq.) of subchapter III of this chapter] may be cited as the 'Equal Justice for Women in the Courts Act of 1994'."

Pub. L. 103-322, title IV, §41001, as added by Pub. L. 109-162, title I, §105(a), Jan. 5, 2006, 119 Stat. 2979, provided that: "This subtitle [subtitle J (§§41001-41006) of title IV of Pub. L. 103-322, enacting part I (§14043 et seq.) of subchapter III of this chapter] may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'."

Pub. L. 103-322, title XX, §200101, Sept. 13, 1994, 108 Stat. 2049, provided that: "This subtitle [subtitle A (§§200101-200113) of title XX of Pub. L. 103-322, enacting part A (§14091 et seq.) of subchapter VIII of this chapter] may be cited as the 'Police Corps Act'."

Pub. L. 103-322, title XX, §200201, Sept. 13, 1994, 108 Stat. 2057, provided that: "This subtitle [subtitle B (§§200201-200210) of title XX of Pub. L. 103-322, enacting part B (§14111 et seq.) of subchapter VIII of this chap-

ter] may be cited as the 'Law Enforcement Scholarships and Recruitment Act'."

Pub. L. 103-322, title XXI, §210301, Sept. 13, 1994, 108 Stat. 2065, provided that: "This subtitle [subtitle C (§§210301-210306) of title XXI of Pub. L. 103-322, enacting part A (§14131 et seq.) of subchapter IX of this chapter and sections 3796kk to 3796kk-6 of this title, amending sections 3751, 3753, 3793, and 3797 of this title, and enacting provisions set out as a note under section 3751 of this title] may be cited as the 'DNA Identification Act of 1994'."

Pub. L. 103-322, title XXII, §220001, Sept. 13, 1994, 108 Stat. 2074, provided that: "This title [enacting subchapter X (§14171) of this chapter and section 511A of Title 18, Crimes and Criminal Procedure, and amending section 511 of Title 18] may be cited as the 'Motor Vehicle Theft Prevention Act'."

§ 13702. Authorization of grants

(a) In general

The Attorney General shall provide Violent Offender Incarceration grants under section 13703 of this title and Truth-in-Sentencing Incentive grants under section 13704 of this title to eligible States—

(1) to build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would be a part 1 violent crime;

(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted non-violent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime;

(3) to build or expand jails; and

(4) to carry out any activity referred to in section 3797w(b) of this title.

(b) Regional compacts

(1) In general

Subject to paragraph (2), States may enter into regional compacts to carry out this part. Such compacts shall be treated as States under this part.

(2) Requirement

To be recognized as a regional compact for eligibility for a grant under section 13703 or 13704 of this title, each member State must be eligible individually.

(3) Limitation on receipt of funds

No State may receive a grant under this part both individually and as part of a compact.

(c) Applicability

Notwithstanding the eligibility requirements of section 13704 of this title, a State that certifies to the Attorney General that, as of April 26, 1996, such State has enacted legislation in reliance on this part, as enacted on September 13, 1994, and would in fact qualify under those provisions, shall be eligible to receive a grant for fiscal year 1996 as though such State qualifies under section 13704 of this title.

(Pub. L. 103-322, title II, §20102, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-15; renumbered title I,

Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; amended Pub. L. 110-199, title I, §104(a), Apr. 9, 2008, 122 Stat. 669.)

PRIOR PROVISIONS

A prior section 13702, Pub. L. 103-322, title II, §20102, Sept. 13, 1994, 108 Stat. 1816, related to Truth in Sentencing Incentive Grants prior to the general amendment of this part by Pub. L. 104-134.

AMENDMENTS

2008—Subsec. (a)(4). Pub. L. 110-199 added par. (4).

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.

§ 13703. Violent offender incarceration grants

(a) Eligibility for minimum grant

To be eligible to receive a minimum grant under this section, a State shall submit an application to the Attorney General that provides assurances that the State has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

(b) Additional amount for increased percentage of persons sentenced and time served

A State that received a grant under subsection (a) of this section is eligible to receive additional grant amounts if such State demonstrates that the State has, since 1993—

- (1) increased the percentage of persons arrested for a part 1 violent crime sentenced to prison; or
- (2) increased the average prison time actually served or the average percent of sentence served by persons convicted of a part 1 violent crime.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (c) of this section.

(c) Additional amount for increased rate of incarceration and percentage of sentence served

A State that received a grant under subsection (a) of this section is eligible to receive additional grant amounts if such State demonstrates that the State has—

- (1) since 1993, increased the percentage of persons arrested for a part 1 violent crime sentenced to prison, and has increased the average percent of sentence served by persons convicted of a part 1 violent crime; or
- (2) has increased by 10 percent or more over the most recent 3-year period the number of new court commitments to prison of persons convicted of part 1 violent crimes.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (b) of this section.

(Pub. L. 103-322, title II, §20103, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-16; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

PRIOR PROVISIONS

A prior section 13703, Pub. L. 103-322, title II, §20103, Sept. 13, 1994, 108 Stat. 1817, related to Violent Offender Incarceration Grants prior to the general amendment of this part by Pub. L. 104-134.

CONTROLLED SUBSTANCE TESTING AND INTERVENTION;
AVAILABILITY OF FUNDS

Pub. L. 104-208, div. A, title I, §101(a) [title I], Sept. 30, 1996, 110 Stat. 3009, 3009-14, provided in part: "That beginning in fiscal year 1999, and thereafter, no funds shall be available to make grants to a State pursuant to section 20103 or section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 [42 U.S.C. 13703, 13704] unless no later than September 1, 1998, such State has implemented a program of controlled substance testing and intervention for appropriate categories of convicted offenders during periods of incarceration and criminal justice supervision, with sanctions including denial or revocation of release for positive controlled substance tests, consistent with guidelines issued by the Attorney General".

§ 13704. Truth-in-sentencing incentive grants

(a) Eligibility

To be eligible to receive a grant award under this section, a State shall submit an application to the Attorney General that demonstrates that—

(1)(A) such State has implemented truth-in-sentencing laws that—

- (i) require persons convicted of a part 1 violent crime to serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or
- (ii) result in persons convicted of a part 1 violent crime serving on average not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior);

(B) such State has truth-in-sentencing laws that have been enacted, but not yet implemented, that require such State, not later than 3 years after such State submits an application to the Attorney General, to provide that persons convicted of a part 1 violent crime serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or

(C) in the case of a State that on April 26, 1996, practices indeterminate sentencing with regard to any part 1 violent crime—

- (i) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the prison term established under the State's sentencing and release guidelines; or
- (ii) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court (not counting time not actually served such as administrative or statutory incentives for good behavior); and

(2) such State has provided assurances that it will follow guidelines established by the Attorney General in reporting, on a quarterly basis, information regarding the death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, or other local or State correctional facility (including any juvenile facility) that, at a minimum, includes—

(A) the name, gender, race, ethnicity, and age of the deceased;

(B) the date, time, and location of death; and

(C) a brief description of the circumstances surrounding the death.

(b) Exception

Notwithstanding subsection (a) of this section, a State may provide that the Governor of the State may allow for the earlier release of—

(1) a geriatric prisoner; or

(2) a prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner's victims have had an opportunity to be heard regarding a proposed release.

(Pub. L. 103-322, title II, §20104, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-16; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; amended Pub. L. 106-297, §2, Oct. 13, 2000, 114 Stat. 1045.)

PRIOR PROVISIONS

A prior section 13704, Pub. L. 103-322, title II, §20104, Sept. 13, 1994, 108 Stat. 1818, related to Federal share matching requirement prior to the general amendment of this part by Pub. L. 104-134.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-297 redesignated par. (1) as subpar. (A) and former subpars. (A) and (B) as cls. (i) and (ii), respectively, redesignated par. (2) as subpar. (B), redesignated par. (3) as subpar. (C) and former subpars. (A) and (B) as cls. (i) and (ii), respectively, and added par. (2).

§ 13705. Special rules

(a) Sharing of funds with counties and other units of local government

(1) Reservation

Each State shall reserve not more than 15 percent of the amount of funds allocated in a fiscal year pursuant to section 13706 of this title for counties and units of local government to construct, develop, expand, modify, or improve jails and other correctional facilities.

(2) Factors for determination of amount

To determine the amount of funds to be reserved under this subsection, a State shall consider the burden placed on a county or unit of local government that results from the implementation of policies adopted by the State to carry out section 13703 or 13704 of this title.

(b) Use of truth-in-sentencing and violent offender incarceration grants

Funds provided under section 13703 or 13704 of this title may be applied to the cost of—

(1) altering existing correctional facilities to provide separate facilities for juveniles under the jurisdiction of an adult criminal court who are detained or are serving sentences in adult prisons or jails;

(2) providing correctional staff who are responsible for supervising juveniles who are detained or serving sentences under the jurisdiction of an adult criminal court with orientation and ongoing training regarding the unique needs of such offenders; and

(3) providing ombudsmen to monitor the treatment of juveniles who are detained or serving sentences under the jurisdiction of an adult criminal court in adult facilities, consistent with guidelines issued by the Assistant Attorney General.

(c) Funds for juvenile offenders

Notwithstanding any other provision of this part, if a State, or unit of local government located in a State that otherwise meets the requirements of section 13703 or 13704 of this title, certifies to the Attorney General that exigent circumstances exist that require the State to expend funds to build or expand facilities to confine juvenile offenders other than juvenile offenders adjudicated delinquent for an act which, if committed by an adult, would be a part 1 violent crime, the State may use funds received under this part to build or expand juvenile correctional facilities or pretrial detention facilities for juvenile offenders.

(d) Private facilities

A State may use funds received under this part for the privatization of facilities to carry out the purposes of section 13702 of this title.

(e) “Part 1 violent crime” defined

For purposes of this part, “part 1 violent crime” means a part 1 violent crime as defined in section 13701(3)¹ of this title, or a crime in a reasonably comparable class of serious violent crimes as approved by the Attorney General.

(Pub. L. 103-322, title II, §20105, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-17; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; amended Pub. L. 105-277, div. E, §3, Oct. 21, 1998, 112 Stat. 2681-760; Pub. L. 107-273, div. A, title III, §307, Nov. 2, 2002, 116 Stat. 1783.)

PRIOR PROVISIONS

A prior section 13705, Pub. L. 103-322, title II, §20105, Sept. 13, 1994, 108 Stat. 1818, related to rules and regulations prior to the general amendment of this part by Pub. L. 104-134.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-273 substituted “Use of truth-in-sentencing and violent offender incarceration grants” for “Additional requirements” in heading and amended text generally, substituting provisions relating to use of funds for juveniles in adult prisons or under the jurisdiction of an adult criminal court for provisions relating to additional requirements for grant eligibility.

1998—Subsec. (b). Pub. L. 105-277 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “To be eligible to receive a grant

¹ So in original. Probably should be section “13701(2)”.

under section 13703 or 13704 of this title, a State shall provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after April 26, 1996, policies that provide for the recognition of the rights and needs of crime victims."

§ 13706. Formula for grants

(a) Allocation of violent offender incarceration grants under section 13703

(1) Formula allocation

85 percent of the amount available for grants under section 13703 of this title for any fiscal year shall be allocated as follows (except that a State may not receive more than 9 percent of the total amount of funds made available under this paragraph):

(A) 0.75 percent shall be allocated to each State that meets the requirements of section 13703(a) of this title, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under section 13703(a) of this title, shall each be allocated 0.05 percent.

(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 13703(b) of this title, in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 13703(b) of this title to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

(2) Additional allocation

15 percent of the amount available for grants under section 13703 of this title for any fiscal year shall be allocated to each State that meets the requirements of section 13703(c) of this title as follows:

(A) 3.0 percent shall be allocated to each State that meets the requirements of section 13703(c) of this title, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under such subsection, shall each be allocated 0.03 percent.

(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 13703(c) of this title, in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 13702(c) of this title to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

(b) Allocation of truth-in-sentencing grants under section 13704

The amounts available for grants for section 13704 of this title shall be allocated to each

State that meets the requirements of section 13704 of this title in the ratio that the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 13704 of this title to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.

(c) Unavailable data

If data regarding part 1 violent crimes in any State is substantially inaccurate or is unavailable for the 3 years preceding the year in which the determination is made, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this part.

(d) Regional compacts

In determining the amount of funds that States organized as a regional compact may receive, the Attorney General shall first apply the formula in either subsection (a) or (b) and (c) of this section to each member State of the compact. The States organized as a regional compact may receive the sum of the amounts so determined.

(Pub. L. 103-322, title II, §20106, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-18; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

PRIOR PROVISIONS

A prior section 13706, Pub. L. 103-322, title II, §20106, Sept. 13, 1994, 108 Stat. 1818, related to technical assistance and training prior to the general amendment of this part by Pub. L. 104-134.

§ 13707. Accountability

(a) Fiscal requirements

A State that receives funds under this part shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 13702(a) of this title shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

(b) Administrative provisions

The administrative provisions of sections 3782 and 3783 of this title shall apply to the Attorney General under this part in the same manner that such provisions apply to the officials listed in such sections.

(Pub. L. 103-322, title II, §20107, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-19; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

PRIOR PROVISIONS

A prior section 13707, Pub. L. 103-322, title II, §20107, Sept. 13, 1994, 108 Stat. 1818, related to evaluation of

programs prior to the general amendment of this part by Pub. L. 104-134.

§ 13708. Authorization of appropriations

(a) In general

(1) Authorizations

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

- (A) \$997,500,000 for fiscal year 1996;
- (B) \$1,330,000,000 for fiscal year 1997;
- (C) \$2,527,000,000 for fiscal year 1998;
- (D) \$2,660,000,000 for fiscal year 1999; and
- (E) \$2,753,100,000 for fiscal year 2000.

(2) Distribution

(A) In general

Of the amounts remaining after the allocation of funds for the purposes set forth under sections 13710, 13711, and 13709 of this title, the Attorney General shall, from amounts authorized to be appropriated under paragraph (1) for each fiscal year, distribute 50 percent for incarceration grants under section 13703 of this title, and 50 percent for incentive grants under section 13704 of this title.

(B) Distribution of minimum amounts

The Attorney General shall distribute minimum amounts allocated for section 13703(a) of this title to an eligible State not later than 30 days after receiving an application that demonstrates that such State qualifies for a Violent Offender Incarceration grant under section 13703 of this title or a Truth-in-Sentencing Incentive grant under section 13704 of this title.

(b) Limitations on funds

(1) Uses of funds

Except as provided in section¹ 13710 and 13711 of this title, funds made available pursuant to this section shall be used only to carry out the purposes described in section 13702(a) of this title.

(2) Nonsupplanting requirement

Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(3) Administrative costs

Not more than 3 percent of the funds that remain available after carrying out sections 13709, 13710, and 13711 of this title shall be available to the Attorney General for purposes of—

- (A) administration;
- (B) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this part;
- (C) technical assistance relating to the use of grant funds, and development and implementation of sentencing reforms implemented pursuant to this part; and

(D) data collection and improvement of information systems relating to the confinement of violent offenders and other sentencing and correctional matters.

(4) Carryover of appropriations

Funds appropriated pursuant to this section during any fiscal year shall remain available until expended. Funds obligated, but subsequently unspent and deobligated, may remain available, to the extent as may² provided in appropriations Acts, for the purpose described in section 13702(a)(4) of this title for any subsequent fiscal year. The further obligation of such funds by an official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

(5) Matching funds

The Federal share of a grant received under this part may not exceed 90 percent of the costs of a proposal as described in an application approved under this part.

(Pub. L. 103-322, title II, §20108, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-19; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; amended Pub. L. 110-199, title I, §104(b), Apr. 9, 2008, 122 Stat. 669.)

PRIOR PROVISIONS

A prior section 13708, Pub. L. 103-322, title II, §20108, Sept. 13, 1994, 108 Stat. 1818, defined terms in this part prior to the general amendment of this part by Pub. L. 104-134.

AMENDMENTS

2008—Subsec. (b)(4). Pub. L. 110-199 inserted at end “Funds obligated, but subsequently unspent and deobligated, may remain available, to the extent as may provided in appropriations Acts, for the purpose described in section 13702(a)(4) of this title for any subsequent fiscal year. The further obligation of such funds by an official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.”

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.

§ 13709. Payments for incarceration on tribal lands

(a) Reservation of funds

Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve \$35,000,000 for each of fiscal years 2011 through 2015 to carry out this section.

(b) Grants to Indian tribes

(1) In general

From the amounts reserved under subsection (a), the Attorney General shall provide grants—

- (A) to Indian tribes for purposes of—
 - (i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

¹ So in original. Probably should be “sections”.

² So in original. Probably should be followed by “be”.

(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

(iii) developing and implementing alternatives to incarceration in tribal jails;

(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

(2) Priority of funding

in¹ providing grants under this subsection, the Attorney General shall take into consideration applicable—

- (A) reservation crime rates;
- (B) annual tribal court convictions; and
- (C) bed space needs.

(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 shall be 100 percent.

(c) Applications

To be eligible to receive a grant under this section, an Indian tribe or consortium of Indian tribes, as applicable, shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

(d) Long-term plan

Not later than 1 year after July 29, 2010, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

(1) a description of proposed activities for—

(A) construction, operation, and maintenance of juvenile (in accordance with section 2453(a)(3) of title 25) and adult detention facilities (including regional facilities) in Indian country;

(B) contracting with State and local detention centers, on approval of the affected tribal governments; and

(C) alternatives to incarceration, developed in cooperation with tribal court systems;

(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

(3) any other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.

(Pub. L. 103-322, title II, §20109, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26,

1996, 110 Stat. 1321, 1321-20; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; amended Pub. L. 111-211, title II, §244, July 29, 2010, 124 Stat. 2294.)

PRIOR PROVISIONS

A prior section 13709, Pub. L. 103-322, title II, §20109, Sept. 13, 1994, 108 Stat. 1818, authorized appropriations to carry out this part prior to the general amendment of this part by Pub. L. 104-134.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, §244(a), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Notwithstanding any other provision of this part other than section 13708(a)(2) of this title, from amounts appropriated to carry out sections 13703 and 13704 of this title, the Attorney General shall reserve, to carry out this section—

“(1) 0.3 percent in each of fiscal years 1996 and 1997; and

“(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.”

Subsec. (b). Pub. L. 111-211, §244(b)(1), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “From the amounts reserved under subsection (a) of this section, the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.”

Subsec. (c). Pub. L. 111-211, §244(b)(2), inserted “or consortium of Indian tribes, as applicable,” after “Indian tribe”.

Subsec. (d). Pub. L. 111-211, §244(b)(3), added subsec. (d).

§ 13710. Payments to eligible States for incarceration of criminal aliens

(a) In general

The Attorney General shall make a payment to each State which is eligible under section 1252(j)¹ of title 8 in such amount as is determined under section 1252(j)¹ of title 8, and for which payment is not made to such State for such fiscal year under such section.

(b) Authorization of appropriations

Notwithstanding any other provision of this part, there are authorized to be appropriated to carry out this section from amounts authorized under section 13708 of this title, an amount which when added to amounts appropriated to carry out section 1252(j)¹ of title 8 for fiscal year 1996 equals \$500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed \$650,000,000.

(c) Administration

The amounts appropriated to carry out this section shall be reserved from the total amount appropriated for each fiscal year and shall be added to the other funds appropriated to carry out section 1252(j)¹ of title 8 and administered under such section.

(d) Report to Congress

Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

¹ So in original. Probably should be capitalized.

¹ See References in Text note below.

(Pub. L. 103-322, title II, §20110, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

Section 1252(j) of title 8, referred to in subsecs. (a) to (c), was redesignated section 1231(i) of title 8 by Pub. L. 104-208, div. C, title III, §306(a)(1), Sept. 30, 1996, 110 Stat. 3009-607.

§ 13711. Support of Federal prisoners in non-Federal institutions

(a) In general

The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18.

(b) Authorization of appropriations

Notwithstanding any other provision of this part other than section 13708(a)(2) of this title, there are authorized to be appropriated from amounts authorized under section 13708 of this title for each of fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

(Pub. L. 103-322, title II, §20111, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

§ 13712. Report by Attorney General

Beginning on October 1, 1996, and each subsequent July 1 thereafter, the Attorney General shall report to the Congress on the implementation of this part, including a report on the eligibility of the States under sections 13703 and 13704 of this title, and the distribution and use of funds under this part.

(Pub. L. 103-322, title II, §20112, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

§ 13713. Aimee's Law

(a) Short title

This section may be cited as "Aimee's Law".

(b) Definitions

Pursuant to regulations promulgated by the Attorney General hereunder, in this section:

(1) Dangerous sexual offense

The term "dangerous sexual offense" means any offense under State law for conduct that would constitute an offense under chapter 109A of title 18 had the conduct occurred in the special maritime and territorial jurisdiction of the United States or in a Federal prison.

(2) Murder

The term "murder" has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(3) Rape

The term "rape" has the meaning given the term in part I of the Uniform Crime Reports of the Federal Bureau of Investigation.

(c) Penalty

(1) Single State

Pursuant to regulations promulgated by the Attorney General hereunder, in any case in

which a criminal-records-reporting State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one of those offenses in a State described in paragraph (3), it may, under subsection (d) of this section, apply to the Attorney General for \$10,000, for its related apprehension and prosecution costs, and \$22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation.

(2) Multiple States

Pursuant to regulations promulgated by the Attorney General hereunder, in any case in which a criminal-records-reporting State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any one or more of those offenses in more than one other State described in paragraph (3), it may, under subsection (d) of this section, apply to the Attorney General for \$10,000, for its related apprehension and prosecution costs, and \$22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation.

(3) State described

Pursuant to regulations promulgated by the Attorney General hereunder, a State is described in this paragraph unless—

(A) the term of imprisonment imposed by the State on the individual described in paragraph (1) or (2), as applicable, was not less than the average term of imprisonment imposed for that offense in all States; or

(B) with respect to the individual described in paragraph (1) or (2), as applicable, the individual had served not less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

For purposes of subparagraph (B), in a State that has indeterminate sentencing, the term of imprisonment to which that individual was sentenced for the prior offense shall be based on the lower of the range of sentences.

(d) State applications

In order to receive an amount under subsection (c) of this section, the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for one of those offenses in another State.

(e) Source of funds

(1) In general

Pursuant to regulations promulgated by the Attorney General hereunder, any amount under subsection (c) of this section shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State pursuant to section 3755 of this title that convicted such individual of the prior offense before the distribution of the funds to

the State. No amount described under this section shall be subject to section 3335(b) or 6503(d) of title 31¹

(2) Payment schedule

The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(f) Construction

Nothing in this section may be construed to diminish or otherwise affect any court ordered restitution.

(g) Exception

Pursuant to regulations promulgated by the Attorney General hereunder, this section does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in subsection (c) of this section and subsequently been convicted for an offense described in subsection (c) of this section.

(h) Report

The Attorney General shall—

(1) conduct a study evaluating the implementation of this section; and

(2) not later than October 1, 2006, submit to Congress a report on the results of that study.

(i) Collection of recidivism data

(1) In general

Beginning with calendar year 2002, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State (where practicable)—

(A) the number of convictions during that calendar year for—

- (i) any dangerous sexual offense;
- (ii) rape; and
- (iii) murder; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) Report

The Attorney General shall submit to Congress—

(A) a report, by not later than 6 months after January 5, 2006, that provides national estimates of the nature and extent of recidivism (with an emphasis on interstate recidivism) by State inmates convicted of murder, rape, and dangerous sexual offenses;

(B) a report, by not later than October 1, 2007, and October 1 of each year thereafter, that provides statistical analysis and criminal history profiles of interstate recidivists identified in any State applications under this section; and

(C) reports, at regular intervals not to exceed every five years, that include the information described in paragraph (1).

(j) Effective date

This section shall take effect on January 1, 2002.

(Pub. L. 106-386, div. C, §2001, Oct. 28, 2000, 114 Stat. 1539; Pub. L. 109-162, title XI, §1170, Jan. 5, 2006, 119 Stat. 3122; Pub. L. 109-271, §8(m), Aug. 12, 2006, 120 Stat. 767.)

CODIFICATION

January 5, 2006, referred to in subsec. (i)(2)(A), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 109-162, which enacted subsec. (i)(2) of this section, to reflect the probable intent of Congress.

Section was enacted as Aimee’s Law and also as part of the Victims of Trafficking and Violence Protection Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-162, §1170(1), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, in this section” for “In this section” in introductory provisions.

Subsec. (c)(1). Pub. L. 109-162, §1170(1), (2), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, in any case” for “In any case”, “a criminal-records-reporting State” for “a State” the first place appearing, and “(3), it may, under subsection (d) of this section, apply to the Attorney General for \$10,000, for its related apprehension and prosecution costs, and \$22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation” for “(3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense”.

Subsec. (c)(2). Pub. L. 109-162, §1170(1), (2), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, in any case” for “In any case”, “a criminal-records-reporting State” for “a State”, and “(3), it may, under subsection (d) of this section, apply to the Attorney General for \$10,000, for its related apprehension and prosecution costs, and \$22,500 per year (up to a maximum of 5 years), for its related incarceration costs with both amounts for costs adjusted annually for the rate of inflation” for “(3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense”.

Subsec. (c)(3). Pub. L. 109-162, §1170(1), (3)(A), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, a State” for “A State” and “unless” for “if” in introductory provisions.

Subsec. (c)(3)(A). Pub. L. 109-162, §1170(3)(B)(iii), (C), inserted “not” before “less” and struck out “convicted by the State is” after “as applicable, was”.

Pub. L. 109-162, §1170(3)(B)(ii), which directed amendment of par. (3) by striking “individuals convicted of the offense for which,” was executed by striking “individuals convicted of the offense for which” after “imposed by the State on” to reflect the probable intent of Congress, because there was no comma after “which”.

Pub. L. 109-162, §1170(3)(B)(i), which directed that “average” be struck out, was executed by striking out “average” the first place appearing, after “(A) the”, to reflect the probable intent of Congress.

Subsec. (c)(3)(B). Pub. L. 109-162, §1170(3)(C), inserted “not” before “less”.

Subsec. (d). Pub. L. 109-162, §1170(4), struck out “transferred” after “receive an amount”.

¹ So in original. Probably should be followed by a period.

Subsec. (e)(1). Pub. L. 109-271 substituted “section 3755” for “section 3756”.

Pub. L. 109-162, §1170(1), (4), (5), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, any amount” for “Any amount transferred”, inserted “pursuant to section 3756 of this title” before “that convicted”, inserted “No amount described under this section shall be subject to section 3335(b) or 6503(d) of title 31” at end, and struck out former last sentence which read as follows: “The Attorney General shall provide the State with an opportunity to select the specific Federal law enforcement assistance funds to be so reduced (other than Federal crime victim assistance funds).”

Subsec. (g). Pub. L. 109-162, §1170(1), substituted “Pursuant to regulations promulgated by the Attorney General hereunder, this section does not apply” for “This section does not apply”.

Subsec. (i)(1). Pub. L. 109-162, §1170(6), substituted “State (where practicable)” for “State” in introductory provisions.

Subsec. (i)(2). Pub. L. 109-162, §1170(7), added par. (2) and struck out heading and text of former par. (2). Text read as follows: “Not later than March 1, 2003, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

“(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

“(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.”

PART B—MISCELLANEOUS PROVISIONS

§ 13721. Task force on prison construction standardization and techniques

(a) Task force

The Director of the National Institute of Corrections shall, subject to availability of appropriations, establish a task force composed of Federal, State, and local officials expert in prison construction, and of at least an equal number of engineers, architects, and construction experts from the private sector with expertise in prison design and construction, including the use of cost-cutting construction standardization techniques and cost-cutting new building materials and technologies.

(b) Cooperation

The task force shall work in close cooperation and communication with other State and local officials responsible for prison construction in their localities.

(c) Performance requirements

The task force shall work to—

(1) establish and recommend standardized construction plans and techniques for prison and prison component construction; and

(2) evaluate and recommend new construction technologies, techniques, and materials,

to reduce prison construction costs at the Federal, State, and local levels and make such construction more efficient.

(d) Dissemination

The task force shall disseminate information described in subsection (c) of this section to State and local officials involved in prison construction, through written reports and meetings.

(e) Promotion and evaluation

The task force shall—

(1) work to promote the implementation of cost-saving efforts at the Federal, State, and local levels;

(2) evaluate and advise on the results and effectiveness of such cost-saving efforts as adopted, broadly disseminating information on the results; and

(3) to the extent feasible, certify the effectiveness of the cost-savings efforts.

(Pub. L. 103-322, title II, §20406, Sept. 13, 1994, 108 Stat. 1826.)

§ 13722. Efficiency in law enforcement and corrections

(a) In general

In the administration of each grant program funded by appropriations authorized by this Act or by an amendment made by this Act, the Attorney General shall encourage—

(1) innovative methods for the low-cost construction of facilities to be constructed, converted, or expanded and the low-cost operation of such facilities and the reduction of administrative costs and overhead expenses; and

(2) the use of surplus Federal property.

(b) Assessment of construction components and designs

The Attorney General may make an assessment of the cost efficiency and utility of using modular, prefabricated, precast, and pre-engineered construction components and designs for housing nonviolent criminals.

(Pub. L. 103-322, title II, §20407, Sept. 13, 1994, 108 Stat. 1826.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

§ 13723. Congressional approval of any expansion at Lorton and congressional hearings on future needs

(a) Congressional approval

Notwithstanding any other provision of law, the existing prison facilities and complex at the District of Columbia Corrections Facility at Lorton, Virginia, shall not be expanded unless such expansion has been approved by the Congress under the authority provided to Congress in section 446 of the District of Columbia Home Rule Act.

(b) Senate hearings

The Senate directs the Subcommittee on the District of Columbia of the Committee on Appropriations of the Senate to conduct hearings regarding expansion of the prison complex in Lorton, Virginia, prior to any approval granted pursuant to subsection (a) of this section. The subcommittee shall permit interested parties, including appropriate officials from the County of Fairfax, Virginia, to testify at such hearings.

(c) “Expanded” and “expansion” defined

For purposes of this section, the terms “expanded” and “expansion” mean any alteration

of the physical structure of the prison complex that is made to increase the number of inmates incarcerated at the prison.

(Pub. L. 103-322, title II, §20410, Sept. 13, 1994, 108 Stat. 1828; Pub. L. 105-33, title XI, §11717(b), Aug. 5, 1997, 111 Stat. 786.)

REFERENCES IN TEXT

Section 446 of the District of Columbia Home Rule Act, referred to in subsec. (a), is section 446 of Pub. L. 93-198, title IV, Dec. 24, 1973, 87 Stat. 801, as amended, which is not classified to the Code.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-33 substituted “District of Columbia Home Rule Act” for “District of Columbia Self-Government and Governmental Reorganization Act”.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-33 effective Oct. 1, 1997, except as otherwise provided in title XI of Pub. L. 105-33, see section 11721 of Pub. L. 105-33, set out as a note under section 4246 of Title 18, Crimes and Criminal Procedure.

§ 13724. Conversion of closed military installations into Federal prison facilities

(a) Study of suitable bases

The Secretary of Defense and the Attorney General shall jointly conduct a study of all military installations selected before September 13, 1994, to be closed pursuant to a base closure law for the purpose of evaluating the suitability of any of these installations, or portions of these installations, for conversion into Federal prison facilities. As part of the study, the Secretary and the Attorney General shall identify the military installations so evaluated that are most suitable for conversion into Federal prison facilities.

(b) Suitability for conversion

In evaluating the suitability of a military installation for conversion into a Federal prison facility, the Secretary of Defense and the Attorney General shall consider the estimated cost to convert the installation into a prison facility and such other factors as the Secretary and the Attorney General consider to be appropriate.

(c) Time for study

The study required by subsection (a) of this section shall be completed not later than the date that is 180 days after September 13, 1994.

(d) Construction of Federal prisons

(1) In general

In determining where to locate any new Federal prison facility, and in accordance with the Department of Justice’s duty to review and identify a use for any portion of an installation closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) and the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510), the Attorney General shall—

(A) consider whether using any portion of a military installation closed or scheduled to be closed in the region pursuant to a base

closure law provides a cost-effective alternative to the purchase of real property or construction of new prison facilities;

(B) consider whether such use is consistent with a reutilization and redevelopment plan; and

(C) give consideration to any installation located in a rural area the closure of which will have a substantial adverse impact on the economy of the local communities and on the ability of the communities to sustain an economic recovery from such closure.

(2) Consent

With regard to paragraph (1)(B), consent must be obtained from the local re-use authority for the military installation, recognized and funded by the Secretary of Defense, before the Attorney General may proceed with plans for the design or construction of a prison at the installation.

(3) Report on basis of decision

Before proceeding with plans for the design or construction of a Federal prison, the Attorney General shall submit to Congress a report explaining the basis of the decision on where to locate the new prison facility.

(4) Report on cost-effectiveness

If the Attorney General decides not to utilize any portion of a closed military installation or an installation scheduled to be closed for locating a prison, the report shall include an analysis of why installations in the region, the use of which as a prison would be consistent with a reutilization and redevelopment plan, does not provide a cost-effective alternative to the purchase of real property or construction of new prison facilities.

(e) “Base closure law” defined

In this section, “base closure law” means—

(1) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

(2) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(Pub. L. 103-322, title II, §20413, Sept. 13, 1994, 108 Stat. 1829.)

REFERENCES IN TEXT

The Defense Authorization Amendments and Base Closure and Realignment Act, referred to in subsecs. (d)(1) and (e)(2), is Pub. L. 100-526, Oct. 24, 1988, 102 Stat. 2623, as amended. Title II of the Act is set out as a note under section 2687 of Title 10, Armed Forces. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 2687 of Title 10 and Tables.

The Defense Base Closure and Realignment Act of 1990, referred to in subsecs. (d)(1) and (e)(1), is part A of title XXIX of div. B of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1808, which is set out as a note under section 2687 of Title 10. For complete classification of this Act to the Code, see Tables.

§ 13725. Correctional job training and placement

(a) Purpose

It is the purpose of this section to encourage and support job training programs, and job

placement programs, that provide services to incarcerated persons or ex-offenders.

(b) Definitions

As used in this section:

(1) Correctional institution

The term “correctional institution” means any prison, jail, reformatory, work farm, detention center, or halfway house, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

(2) Correctional job training or placement program

The term “correctional job training or placement program” means an activity that provides job training or job placement services to incarcerated persons or ex-offenders, or that assists incarcerated persons or ex-offenders in obtaining such services.

(3) Ex-offender

The term “ex-offender” means any individual who has been sentenced to a term of probation by a Federal or State court, or who has been released from a Federal, State, or local correctional institution.

(4) Incarcerated person

The term “incarcerated person” means any individual incarcerated in a Federal or State correctional institution who is charged with or convicted of any criminal offense.

(c) Establishment of Office

(1) In general

The Attorney General shall establish within the Department of Justice an Office of Correctional Job Training and Placement. The Office shall be headed by a Director, who shall be appointed by the Attorney General.

(2) Timing

The Attorney General shall carry out this subsection not later than 6 months after September 13, 1994.

(d) Functions of Office

The Attorney General, acting through the Director of the Office of Correctional Job Training and Placement, in consultation with the Secretary of Labor, shall—

(1) assist in coordinating the activities of the Federal Bonding Program of the Department of Labor, the activities of the Department of Labor related to the certification of eligibility for targeted jobs credits under section 51 of title 26 with respect to ex-offenders, and any other correctional job training or placement program of the Department of Justice or Department of Labor;

(2) provide technical assistance to State and local employment and training agencies that—

(A) receive financial assistance under this Act; or

(B) receive financial assistance through other programs carried out by the Department of Justice or Department of Labor, for activities related to the development of employability;

(3) prepare and implement the use of special staff training materials, and methods, for de-

veloping the staff competencies needed by State and local agencies to assist incarcerated persons and ex-offenders in gaining marketable occupational skills and job placement;

(4) prepare and submit to Congress an annual report on the activities of the Office of Correctional Job Training and Placement, and the status of correctional job training or placement programs in the United States;

(5) cooperate with other Federal agencies carrying out correctional job training or placement programs to ensure coordination of such programs throughout the United States;

(6) consult with, and provide outreach to—

(A) State job training coordinating councils, administrative entities, and private industry councils, with respect to programs carried out under this Act; and

(B) other State and local officials, with respect to other employment or training programs carried out by the Department of Justice or Department of Labor;

(7) collect from States information on the training accomplishments and employment outcomes of a sample of incarcerated persons and ex-offenders who were served by employment or training programs carried out, or that receive financial assistance through programs carried out, by the Department of Justice or Department of Labor; and

(8)(A) collect from States and local governments information on the development and implementation of correctional job training or placement programs; and

(B) disseminate such information, as appropriate.

(Pub. L. 103-322, title II, §20418, Sept. 13, 1994, 108 Stat. 1835.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d)(2)(A), (6)(A), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

§ 13726. Findings

Congress finds the following:

(1) Increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners.

(2) The transport process can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country.

(3) Escapes by violent prisoners during transport by private prisoner transport companies have occurred.

(4) Oversight by the Attorney General is required to address these problems.

(5) While most governmental entities may prefer to use, and will continue to use, fully trained and sworn law enforcement officers when transporting violent prisoners, fiscal or logistical concerns may make the use of highly specialized private prisoner transport companies an option. Nothing in sections 13726 to

13726c of this title should be construed to mean that governmental entities should contract with private prisoner transport companies to move violent prisoners; however when a government entity opts to use a private prisoner transport company to move violent prisoners, then the company should be subject to regulation in order to enhance public safety.

(Pub. L. 106-560, §2, Dec. 21, 2000, 114 Stat. 2784.)

REFERENCES IN TEXT

Sections 13726 to 13726c of this title, referred to in par. (5), was in the original “this Act”, meaning Pub. L. 106-560, Dec. 21, 2000, 114 Stat. 2784, known as the Interstate Transportation of Dangerous Criminals Act of 2000 or Jeanna’s Act, which enacted this section and sections 13726a to 13726c of this title and provisions set out as a note under section 13701 of this title. For complete classification of this Act to the Code, see Short Title of 2000 Amendments note set out under 13701 of this title and Tables.

CODIFICATION

This section was enacted as part of the Interstate Transportation of Dangerous Criminals Act of 2000 or Jeanna’s Act, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 13726a. Definitions

In sections 13726 to 13726c of this title:

(1) Crime of violence

The term “crime of violence” has the same meaning as in section 924(c)(3) of title 18.

(2) Private prisoner transport company

The term “private prisoner transport company” means any entity, other than the United States, a State, or an inferior political subdivision of a State, which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of an inferior political subdivision of a State, or any attempt thereof.

(3) Violent prisoner

The term “violent prisoner” means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

(Pub. L. 106-560, §3, Dec. 21, 2000, 114 Stat. 2784.)

REFERENCES IN TEXT

Sections 13726 to 13726c of this title, referred to in text, was in the original “this Act”, meaning Pub. L. 106-560, Dec. 21, 2000, 114 Stat. 2784, known as the Interstate Transportation of Dangerous Criminals Act of 2000 or Jeanna’s Act, which enacted this section and sections 13726, 13726b, and 13726c of this title and provisions set out as a note under section 13701 of this title. For complete classification of this Act to the Code, see Short Title of 2000 Amendments note set out under 13701 of this title and Tables.

CODIFICATION

This section was enacted as part of the Interstate Transportation of Dangerous Criminals Act of 2000 or Jeanna’s Act, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 13726b. Federal regulation of prisoner transport companies

(a) In general

Not later than 180 days after December 21, 2000, the Attorney General, in consultation with the American Correctional Association and the private prisoner transport industry, shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(b) Standards and requirements

The regulations shall include the following:

(1) Minimum standards for background checks and preemployment drug testing for potential employees, including requiring criminal background checks, to disqualify persons with a felony conviction or domestic violence conviction as defined by section 921 of title 18 for eligibility for employment. Pre-employment drug testing will be in accordance with applicable State laws.

(2) Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appropriate weapons and firearms, CPR, map reading, and defensive driving.

(3) Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.¹

(4) Minimum standards for the number of personnel that must supervise violent prisoners. Such standards shall provide the transport entity with appropriate discretion, and, absent more restrictive requirements contracted for by the procuring government entity, shall not exceed a requirement of 1 agent for every 6 violent prisoners.

(5) Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.

(6) Standards establishing categories of violent prisoners required to wear brightly colored clothing clearly identifying them as prisoners, when appropriate.

(7) Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.

(8) A requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction.

(9) A requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and

¹ See References in Text note below.

the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

(10) Minimum standards for the safety of violent prisoners in accordance with applicable Federal and State law.

(c) Federal standards

Except for the requirements of subsection (b)(6) of this section, the regulations promulgated under sections 13726 to 13726c of this title shall not provide stricter standards with respect to private prisoner transport companies than are applicable, without exception, to the United States Marshals Service, Federal Bureau of Prisons, and the Immigration and Naturalization Service when transporting violent prisoners under comparable circumstances.

(Pub. L. 106-560, § 4, Dec. 21, 2000, 114 Stat. 2785.)

REFERENCES IN TEXT

No act with the title Federal Motor Vehicle Safety Act, referred to in subsec. (b)(3), has been enacted. Provisions authorizing the Secretary of Transportation to prescribe requirements relating to hours of service of employees of a motor carrier are contained in chapter 315 (§1501 et seq.) of Title 49, Transportation.

Sections 13726 to 13726c of this title, referred to in subsec. (c), was in the original "this Act", meaning Pub. L. 106-560, Dec. 21, 2000, 114 Stat. 2784, known as the Interstate Transportation of Dangerous Criminals Act of 2000 or Jeanna's Act, which enacted this section and sections 13726, 13726a, and 13726c of this title and provisions set out as a note under section 13701 of this title. For complete classification of this Act to the Code, see Short Title of 2000 Amendments note set out under 13701 of this title and Tables.

CODIFICATION

This section was enacted as part of the Interstate Transportation of Dangerous Criminals Act of 2000 or Jeanna's Act, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

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.

§ 13726c. Enforcement

Any person who is found in violation of the regulations established by sections 13726 to 13726c of this title shall—

(1) be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each violation and, in addition, to the United States for the costs of prosecution; and

(2) make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to section 13726b(a) of this title.

(Pub. L. 106-560, § 5, Dec. 21, 2000, 114 Stat. 2786.)

REFERENCES IN TEXT

Sections 13726 to 13726c of this title, referred to in text, was in the original "this Act", meaning Pub. L.

106-560, Dec. 21, 2000, 114 Stat. 2784, known as the Interstate Transportation of Dangerous Criminals Act of 2000 or Jeanna's Act, which enacted this section and sections 13726 to 13726b of this title and provisions set out as a note under section 13701 of this title. For complete classification of this Act to the Code, see Short Title of 2000 Amendments note set out under 13701 of this title and Tables.

CODIFICATION

This section was enacted as part of the Interstate Transportation of Dangerous Criminals Act of 2000 or Jeanna's Act, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

SUBCHAPTER II—CRIME PREVENTION

PART A—OUNCE OF PREVENTION COUNCIL

§ 13741. Ounce of Prevention Council

(a) Establishment

(1) In general

There is established an Ounce of Prevention Council (referred to in this subchapter as the "Council"), the members of which—

(A) shall include the Attorney General, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of the Interior, and the Director of the Office of National Drug Control Policy; and

(B) may include other officials of the executive branch as directed by the President.

(2) Chair

The President shall designate the Chair of the Council from among its members (referred to in this subchapter as the "Chair").

(3) Staff

The Council may employ any necessary staff to carry out its functions, and may delegate any of its functions or powers to a member or members of the Council.

(b) Program coordination

For any program authorized under the Violent Crime Control and Law Enforcement Act of 1994, the Ounce of Prevention Council Chair, only at the request of the Council member with jurisdiction over that program, may coordinate that program, in whole or in part, through the Council.

(c) Administrative responsibilities and powers

In addition to the program coordination provided in subsection (b) of this section, the Council shall be responsible for such functions as coordinated planning, development of a comprehensive crime prevention program catalogue, provision of assistance to communities and community-based organizations seeking information regarding crime prevention programs and integrated program service delivery, and development of strategies for program integration and grant simplification. The Council shall have the authority to audit the expenditure of funds received by grantees under programs administered by or coordinated through the Council. In con-

sultation with the Council, the Chair may issue regulations and guidelines to carry out this part and programs administered by or coordinated through the Council.

(Pub. L. 103-322, title III, §30101, Sept. 13, 1994, 108 Stat. 1836.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a)(1), (2), was in the original “this title”, meaning title III of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1836, which enacted this subchapter, sections 3796ff to 3796ff-4 of this title, and sections 6701 to 6720 of Title 31, Money and Finance, amended sections 3791, 3793, and 3797 of this title, sections 2502 to 2504, 2506, and 2512 of Title 16, Conservation, and section 3621 of Title 18, Crimes and Criminal Procedure, and enacted provisions set out as notes under section 13701 of this title and sections 6701 and 6702 of Title 31. For complete classification of title III to the Code, see Tables.

The Violent Crime Control and Law Enforcement Act of 1994, referred to in subsec. (b), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

§ 13742. Ounce of prevention grant program

(a) In general

The Council may make grants for—

(1) summer and after-school (including weekend and holiday) education and recreation programs;

(2) mentoring, tutoring, and other programs involving participation by adult role models (such as D.A.R.E. America);

(3) programs assisting and promoting employability and job placement; and

(4) prevention and treatment programs to reduce substance abuse, child abuse, and adolescent pregnancy, including outreach programs for at-risk families.

(b) Applicants

Applicants may be Indian tribal governments, cities, counties, or other municipalities, school boards, colleges and universities, private non-profit entities, or consortia of eligible applicants. Applicants must show that a planning process has occurred that has involved organizations, institutions, and residents of target areas, including young people, and that there has been cooperation between neighborhood-based entities, municipality-wide bodies, and local private-sector representatives. Applicants must demonstrate the substantial involvement of neighborhood-based entities in the carrying out of the proposed activities. Proposals must demonstrate that a broad base of collaboration and coordination will occur in the implementation of the proposed activities, involving cooperation among youth-serving organizations, schools, health and social service providers, employers, law enforcement professionals, local government, and residents of target areas, including young people. Applications shall be geographically based in particular neighborhoods or sections of municipalities or particular segments of rural areas, and applications shall demonstrate how programs will serve substantial proportions of children and youth resident in the target area with activities designed to have substantial impact on their lives.

(c) Priority

In making such grants, the Council shall give preference to coalitions consisting of a broad spectrum of community-based and social service organizations that have a coordinated team approach to reducing gang membership and the effects of substance abuse, and providing alternatives to at-risk youth.

(d) Federal share

(1) In general

The Federal share of a grant made under this part¹ may not exceed 75 percent of the total costs of the projects described in the applications submitted under subsection (b) of this section for the fiscal year for which the projects receive assistance under this subchapter.

(2) Waiver

The Council may waive the 25 percent matching requirement under paragraph (1) upon making a determination that a waiver is equitable in view of the financial circumstances affecting the ability of the applicant to meet that requirement.

(3) Non-Federal share

The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services.

(4) Nonsupplanting requirement

Funds made available under this subchapter to a governmental entity 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.

(5) Evaluation

The Council shall conduct a thorough evaluation of the programs assisted under this subchapter.

(Pub. L. 103-322, title III, §30102, Sept. 13, 1994, 108 Stat. 1837.)

REFERENCES IN TEXT

This part, referred to in subsec. (d)(1), appearing in the original is unidentifiable because subtitle A of title III of Pub. L. 103-322 does not contain parts.

This subchapter, referred to in subsec. (d)(1), (4), (5), was in the original “this title”, meaning title III of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1836, which enacted this subchapter, sections 3796ff to 3796ff-4 of this title, and sections 6701 to 6720 of Title 31, Money and Finance, amended sections 3791, 3793, and 3797 of this title, sections 2502 to 2504, 2506, and 2512 of Title 16, Conservation, and section 3621 of Title 18, Crimes and Criminal Procedure, and enacted provisions set out as notes under section 13701 of this title and sections 6701 and 6702 of Title 31. For complete classification of title III to the Code, see Tables.

§ 13743. “Indian tribe” defined

In this part, “Indian tribe” means a tribe, band, pueblo, nation, or other organized group

¹ See References in Text note below.

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.),¹ that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(Pub. L. 103-322, title III, §30103, Sept. 13, 1994, 108 Stat. 1838.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in text, is Pub. L. 92-203, §2, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

§ 13744. Authorization of appropriations

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

- (1) \$1,500,000 for fiscal year 1995;
- (2) \$14,700,000 for fiscal year 1996;
- (3) \$18,000,000 for fiscal year 1997;
- (4) \$18,000,000 for fiscal year 1998;
- (5) \$18,900,000 for fiscal year 1999; and
- (6) \$18,900,000 for fiscal year 2000.

(Pub. L. 103-322, title III, §30104, Sept. 13, 1994, 108 Stat. 1838.)

PART B—LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM

§§ 13751 to 13758. Repealed. Pub. L. 109-162, title XI, § 1154(b)(1), Jan. 5, 2006, 119 Stat. 3113

Section 13751, Pub. L. 103-322, title III, §30201, Sept. 13, 1994, 108 Stat. 1838, related to payments to local governments.

Section 13752, Pub. L. 103-322, title III, §30202, Sept. 13, 1994, 108 Stat. 1841, authorized appropriations.

Section 13753, Pub. L. 103-322, title III, §30203, Sept. 13, 1994, 108 Stat. 1841; Pub. L. 104-316, title I, §122(u), Oct. 19, 1996, 110 Stat. 3838, related to qualification for payment.

Section 13754, Pub. L. 103-322, title III, §30204, Sept. 13, 1994, 108 Stat. 1842, related to allocation and distribution of funds.

Section 13755, Pub. L. 103-322, title III, §30205, Sept. 13, 1994, 108 Stat. 1843, related to utilization of funds to contract with the private sector.

Section 13756, Pub. L. 103-322, title III, §30206, Sept. 13, 1994, 108 Stat. 1843, related to public participation.

Section 13757, Pub. L. 103-322, title III, §30207, Sept. 13, 1994, 108 Stat. 1844, related to application of administrative provisions.

Section 13758, Pub. L. 103-322, title III, §30208, Sept. 13, 1994, 108 Stat. 1844, defined terms for purposes of this part.

YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS

Pub. L. 109-162, title XI, §1199, Jan. 5, 2006, 119 Stat. 3132, provided that:

“(a) ESTABLISHMENT OF YOUTH VIOLENCE REDUCTION DEMONSTRATION PROJECTS.—

“(1) IN GENERAL.—The Attorney General shall make up to 5 grants for the purpose of carrying out Youth Violence Demonstration Projects to reduce juvenile and young adult violence, homicides, and recidivism among high-risk populations.

“(2) ELIGIBLE ENTITIES.—An entity is eligible for a grant under paragraph (1) if it is a unit of local gov-

ernment or a combination of local governments established by agreement for purposes of undertaking a demonstration project.

“(b) SELECTION OF GRANT RECIPIENTS.—

“(1) AWARDS.—The Attorney General shall award grants for Youth Violence Reduction Demonstration Projects on a competitive basis.

“(2) AMOUNT OF AWARDS.—No single grant award made under subsection (a) shall exceed \$15,000,000 per fiscal year.

“(3) APPLICATION.—An application for a grant under paragraph (1) shall be submitted to the Attorney General in such a form, and containing such information and assurances, as the Attorney General may require, and at a minimum shall propose—

“(A) a program strategy targeting areas with the highest incidence of youth violence and homicides;

“(B) outcome measures and specific objective indicia of performance to assess the effectiveness of the program; and

“(C) a plan for evaluation by an independent third party.

“(4) DISTRIBUTION.—In making grants under this section, the Attorney General shall ensure the following:

“(A) No less than 1 recipient is a city with a population exceeding 1,000,000 and an increase of at least 30 percent in the aggregated juvenile and young adult homicide victimization rate during calendar year 2005 as compared to calendar year 2004.

“(B) No less than one recipient is a nonmetropolitan county or group of counties with per capita arrest rates of juveniles and young adults for serious violent offenses that exceed the national average for nonmetropolitan counties by at least 5 percent.

“(5) CRITERIA.—In making grants under this section, the Attorney General shall give preference to entities operating programs that meet the following criteria:

“(A) A program focusing on—

“(i) reducing youth violence and homicides, with an emphasis on juvenile and young adult probationers and other juveniles and young adults who have had or are likely to have contact with the juvenile justice system;

“(ii) fostering positive relationships between program participants and supportive adults in the community; and

“(iii) accessing comprehensive supports for program participants through coordinated community referral networks, including job opportunities, educational programs, counseling services, substance abuse programs, recreational opportunities, and other services.

“(B) A program goal of almost daily contacts with and supervision of participating juveniles and young adults through small caseloads and a coordinated team approach among case managers drawn from the community, probation officers, and police officers.

“(C) The use of existing structures, local government agencies, and nonprofit organizations to operate the program.

“(D) Inclusion in program staff of individuals who live or have lived in the community in which the program operates; have personal experiences or cultural competency that build credibility in relationships with program participants; and will serve as a case manager, intermediary, and mentor.

“(E) Fieldwork and neighborhood outreach in communities where the young violent offenders live, including support of the program from local public and private organizations and community members.

“(F) Imposition of graduated probation sanctions to deter violent and criminal behavior.

“(G) A record of program operation and effectiveness evaluation over a period of at least five years prior to the date of enactment of this Act [Jan. 5, 2006].

¹ So in original. A closing parenthesis probably should precede the comma.

“(H) A program structure that can serve as a model for other communities in addressing the problem of youth violence and juvenile and young adult recidivism.

“(C) AUTHORIZED ACTIVITIES.—Amounts paid to an eligible entity under a grant award may be used for the following activities:

- “(1) Designing and enhancing program activities.
- “(2) Employing and training personnel.
- “(3) Purchasing or leasing equipment.
- “(4) Providing services and training to program participants and their families.
- “(5) Supporting related law enforcement and probation activities, including personnel costs.
- “(6) Establishing and maintaining a system of program records.
- “(7) Acquiring, constructing, expanding, renovating, or operating facilities to support the program.
- “(8) Evaluating program effectiveness.
- “(9) Undertaking other activities determined by the Attorney General as consistent with the purposes and requirements of the demonstration program.

“(d) EVALUATION AND REPORTS.—

“(1) INDEPENDENT EVALUATION.—The Attorney General may use up to \$500,000 of funds appropriated annually under this section to—

- “(A) prepare and implement a design for interim and overall evaluations of performance and progress of the funded demonstration projects;
- “(B) provide training and technical assistance to grant recipients; and
- “(C) disseminate broadly the information generated and lessons learned from the operation of the demonstration projects.

“(2) REPORTS TO CONGRESS.—Not later than 120 days after the last day of each fiscal year for which 1 or more demonstration grants are awarded, the Attorney General shall submit to Congress a report which shall include—

- “(A) a summary of the activities carried out with such grants;
- “(B) an assessment by the Attorney General of the program carried out; and
- “(C) such other information as the Attorney General considers appropriate.

“(e) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of a grant awarded under this Act [see Short Title of 2006 Amendment note set out under section 13701 of this title] shall not exceed 90 percent of the total program costs.

“(2) NON-FEDERAL SHARE.—The non-Federal share of such cost may be provided in cash or in-kind.

“(f) DEFINITIONS.—In this section:

“(1) UNIT OF LOCAL GOVERNMENT.—The term ‘unit of local government’ means 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.

“(2) JUVENILE.—The term ‘juvenile’ means an individual who is 17 years of age or younger.

“(3) YOUNG ADULT.—The term ‘young adult’ means an individual who is 18 through 24 years of age.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$50,000,000 for fiscal year 2007 and such sums as may be necessary for each of fiscal years 2008 through 2009, to remain available until expended.”

NATIONAL POLICE ATHLETIC/ACTIVITIES LEAGUE YOUTH ENRICHMENT

Pub. L. 106-367, Oct. 27, 2000, 114 Stat. 1412, as amended by Pub. L. 109-248, title VI, §§612-617, July 27, 2006, 120 Stat. 632, 633, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘National Police Athletic/Activities League Youth Enrichment Act of 2000’.

“SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) The goals of the Police Athletic/Activities League are to—

“(A) increase the academic success of youth participants in PAL programs;

“(B) promote a safe, healthy environment for youth under the supervision of law enforcement personnel where mutual trust and respect can be built;

“(C) develop life enhancing character and leadership skills in young people;

“(D) increase school attendance by providing alternatives to suspensions and expulsions;

“(E) reduce the juvenile crime rate in participating designated communities and the number of police calls involving juveniles during nonschool hours;

“(F) provide youths with alternatives to drugs, alcohol, tobacco, and gang activity;

“(G) create positive communications and interaction between youth and law enforcement personnel; and

“(H) prepare youth for the workplace.

“(2) The Police Athletic/Activities League, during its 90-year history as a national organization, has proven to be a positive force in the communities it serves.

“(3) The Police Athletic/Activities League is a network of 1,700 facilities serving over 3,000 communities. There are 350 PAL chapters throughout the United States, the Virgin Islands, and the Commonwealth of Puerto Rico, serving 2,000,000 youth, ages 5 to 18, nationwide.

“(4) Based on PAL chapter demographics, approximately 85 percent of the youths who benefit from PAL programs live in inner cities and urban areas.

“(5) PAL chapters are locally operated, volunteer-driven organizations. Although most PAL chapters are sponsored by a law enforcement agency, PAL chapters rarely receive direct funding from law enforcement agencies and are dependent in large part on support from the private sector, such as individuals, business leaders, corporations, and foundations. PAL chapters have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement.

“(6) Today’s youth face far greater risks than did their parents and grandparents. Law enforcement statistics demonstrate that youth between the ages of 12 and 18 are at risk of committing violent acts and being victims of violent acts between the hours of 3 p.m. and 8 p.m.

“(7) Greater numbers of students are dropping out of school and failing in school, even though the consequences of academic failure are more dire in 2005 than ever before.

“(8) Many distressed areas in the United States are still underserved by PAL chapters.

“SEC. 3. PURPOSE.

“The purpose of this Act is to provide adequate resources in the form of—

“(1) assistance for the 342 established PAL chapters to increase of services to the communities they are serving;

“(2) seed money for the establishment of 250 (50 per year over a 5-year period) additional local PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans, by not later than fiscal year 2010; and

“(3) support of an annual gathering of PAL chapters and designated youth leaders from such chapters to participate in a 3-day conference that addresses national and local issues impacting the youth of America and includes educational sessions to advance character and leadership skills.

“SEC. 4. DEFINITIONS.

“In this Act:

“(1) ASSISTANT ATTORNEY GENERAL.—The term ‘Assistant Attorney General’ means the Assistant Attor-

ney General for the Office of Justice Programs of the Department of Justice.

“(2) DISTRESSED AREA.—The term ‘distressed area’ means an urban, suburban, or rural area with a high percentage of high-risk youth, as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa-8(f)) [now 42 U.S.C. 290bb-23(g)].

“(3) PAL CHAPTER.—The term ‘PAL chapter’ means a chapter of a Police or Sheriff’s Athletic/Activities League.

“(4) POLICE ATHLETIC/ACTIVITIES LEAGUE.—The term ‘Police Athletic/Activities League’ means the private, nonprofit, national representative organization for 320 Police or Sheriff’s Athletic/Activities Leagues throughout the United States (including the Virgin Islands and the Commonwealth of Puerto Rico).

“(5) PUBLIC HOUSING; PROJECT.—The terms ‘public housing’ and ‘project’ have the meanings given those terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

“SEC. 5. GRANTS AUTHORIZED.

“(a) IN GENERAL.—Subject to appropriations, for each of fiscal years 2006 through 2010, the Assistant Attorney General shall award a grant to the Police Athletic/Activities League for the purpose of establishing PAL chapters to serve public housing projects and other distressed areas, and expanding existing PAL chapters to serve additional youths.

“(b) APPLICATION.—

“(1) SUBMISSION.—In order to be eligible to receive a grant under this section, the Police Athletic/Activities League shall submit to the Assistant Attorney General an application, which shall include—

“(A) a long-term strategy to establish 250 additional PAL chapters and detailed summary of those areas in which new PAL chapters will be established, or in which existing chapters will be expanded to serve additional youths, during the next fiscal year;

“(B) a plan to ensure that there are a total of not fewer than 500 PAL chapters in operation before January 1, 2010;

“(C) a certification that there will be appropriate coordination with those communities where new PAL chapters will be located; and

“(D) an explanation of the manner in which new PAL chapters will operate without additional, direct Federal financial assistance once assistance under this Act is discontinued.

“(2) REVIEW.—The Assistant Attorney General shall review and take action on an application submitted under paragraph (1) not later than 120 days after the date of such submission.

“SEC. 6. USE OF FUNDS.

“(a) IN GENERAL.—

“(1) ASSISTANCE FOR NEW AND EXPANDED CHAPTERS.—Amounts made available under a grant awarded under this Act shall be used by the Police Athletic/Activities League to provide funding for the establishment of PAL chapters serving public housing projects and other distressed areas, or the expansion of existing PAL chapters.

“(2) PROGRAM REQUIREMENTS.—Each new or expanded PAL chapter assisted under paragraph (1) shall carry out not less than two programs during nonschool hours, of which—

“(A) not less than one program shall provide—

- “(i) mentoring assistance;
- “(ii) academic assistance;
- “(iii) recreational and athletic activities;
- “(iv) technology training; or
- “(v) character development and leadership training; and

“(B) any remaining programs shall provide—

- “(i) drug, alcohol, and gang prevention activities;
- “(ii) health and nutrition counseling;
- “(iii) cultural and social programs;
- “(iv) conflict resolution training, anger management, and peer pressure training;

“(v) job skill preparation activities; or

“(vi) Youth Police Athletic/Activities League Conferences or Youth Forums.

“(b) ADDITIONAL REQUIREMENTS.—In carrying out the programs under subsection (a), a PAL chapter shall, to the maximum extent practicable—

“(1) use volunteers from businesses, academic communities, social organizations, and law enforcement organizations to serve as mentors or to assist in other ways;

“(2) ensure that youth in the local community participate in designing the after-school activities;

“(3) develop creative methods of conducting outreach to youth in the community;

“(4) request donations of computer equipment and other materials and equipment; and

“(5) work with State and local park and recreation agencies so that activities funded with amounts made available under a grant under this Act will not duplicate activities funded from other sources in the community served.

“SEC. 7. REPORTS.

“(a) REPORT TO ASSISTANT ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this Act, the Police Athletic/Activities League shall submit to the Assistant Attorney General a report on the use of amounts made available under the grant.

“(b) REPORT TO CONGRESS.—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Assistant Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing and expanding PAL chapters in public housing projects and other distressed areas, and the effectiveness of the PAL programs in reducing drug abuse, school dropouts, and juvenile crime.

“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act \$16,000,000 for each of fiscal years 2006 through 2010.

“(b) FUNDING FOR PROGRAM ADMINISTRATION.—Of the amount made available to carry out this Act in each fiscal year—

“(1) not less than 2 percent shall be used for research and evaluation of the grant program under this Act;

“(2) not less than 1 percent shall be used for technical assistance related to the use of amounts made available under grants awarded under this Act; and

“(3) not less than 1 percent shall be used for the management and administration of the grant program under this Act, except that the total amount made available under this paragraph for administration of that program shall not exceed 6 percent.”

[Pub. L. 109-248, title VI, §612(3)(B), July 27, 2006, 120 Stat. 632, which directed amendment of section 2(3) of Pub. L. 106-367, set out above, by substituting “2,000,000 youth” for “1,500,000 youth”, was executed by making the substitution for “1,500,000 youths”, to reflect the probable intent of Congress.]

KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE

Pub. L. 106-313, title I, §112, Oct. 17, 2000, 114 Stat. 1260, provided that:

“(a) SHORT TITLE.—This section may be cited as the ‘Kids 2000 Act’.

“(b) FINDINGS.—Congress makes the following findings:

“(1) There is an increasing epidemic of juvenile crime throughout the United States.

“(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

“(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

“(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

“(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

“(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

“(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

“(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America’s underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

“(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

“(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

“(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

“(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

“(B) supervised activities in safe environments for youth; and

“(C) full-time staffing with teachers, tutors, and other qualified personnel.

“(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

“(d) APPLICATIONS.—

“(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

“(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

“(A) a request for a subgrant to be used for the purposes of this section;

“(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

“(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

“(D) written assurances that all activities funded under this section will be supervised by qualified adults;

“(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

“(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

“(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

“(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

“(1) the ability of the applicant to provide the intended services;

“(2) the history and establishment of the applicant in providing youth activities; and

“(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

“(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

“(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.”

ESTABLISHMENT OF BOYS AND GIRLS CLUBS

Pub. L. 104-294, title IV, §401, Oct. 11, 1996, 110 Stat. 3496, as amended by Pub. L. 105-133, §1, Dec. 2, 1997, 111 Stat. 2568; Pub. L. 107-273, div. B, title I, §1101, Nov. 2, 2002, 116 Stat. 1791; Pub. L. 108-344, §1, Oct. 18, 2004, 118 Stat. 1376, provided that:

“(a) FINDINGS AND PURPOSE.—

“(1) FINDINGS.—The Congress finds that—

“(A) the Boys and Girls Clubs of America, chartered by an Act of Congress on December 10, 1991 [Pub. L. 102-199, see Tables for classification], during its 90-year history as a national organization, has proven itself as a positive force in the communities it serves;

“(B) there are 1,810 Boys and Girls Clubs facilities throughout the United States, Puerto Rico, and the United States Virgin Islands, serving 2,420,000 youths nationwide;

“(C) 71 percent of the young people who benefit from Boys and Girls Clubs programs live in our inner cities and urban areas;

“(D) Boys and Girls Clubs are locally run and have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement;

“(E) Boys and Girls Clubs are located in 289 public housing sites across the Nation;

“(F) public housing projects in which there is an active Boys and Girls Club have experienced a 25 percent reduction in the presence of crack cocaine, a 22 percent reduction in overall drug activity, and a 13 percent reduction in juvenile crime;

“(G) these results have been achieved in the face of national trends in which overall drug use by youth has increased 105 percent since 1992 and 10.9 percent of the Nation’s young people use drugs on a monthly basis; and

“(H) many public housing projects and other distressed areas are still underserved by Boys and Girls Clubs.

“(2) PURPOSE.—The purpose of this section is to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,500 additional local clubs where needed, with particular emphasis placed on establishing clubs in public housing projects and distressed areas, and to ensure that there are a total of not less than 5,000 Boys and Girls Clubs of America facilities in operation not later than December 31, 2010, serving not less than 5,000,000 young people.

“(b) DEFINITIONS.—For purposes of this section—

“(1) the terms ‘public housing’ and ‘project’ have the same meanings as in section 3(b) of the United States Housing Act of 1937 [42 U.S.C. 1437a(b)]; and

“(2) the term ‘distressed area’ means an urban, suburban, rural area, or Indian reservation with a popu-

lation of high risk youth as defined in section 517 of the Public Health Service Act (42 U.S.C. 290bb-23) of sufficient size to warrant the establishment of a Boys and Girls Club.

“(c) ESTABLISHMENT.—

“(1) IN GENERAL.—For each of the fiscal years 2006, 2007, 2008, 2009, and 2010, the Director of the Bureau of Justice Assistance of the Department of Justice shall make a grant to the Boys and Girls Clubs of America for the purpose of establishing and extending Boys and Girls Clubs facilities where needed, with particular emphasis placed on establishing clubs in and extending services to public housing projects and distressed areas.

“(2) APPLICATIONS.—The Attorney General shall accept an application for a grant under this subsection if submitted by the Boys and Girls Clubs of America, and approve or deny the grant not later than 90 days after the date on which the application is submitted, if the application—

“(A) includes a long-term strategy to establish 1,500 additional Boys and Girls Clubs and detailed summary of those areas in which new facilities will be established, or in which existing facilities will be expanded to serve additional youths, during the next fiscal year;

“(B) includes a plan to ensure that there are a total of not less than 5,000 Boys and Girls Clubs of America facilities in operation before January 1, 2010;

“(C) certifies that there will be appropriate coordination with those communities where clubs will be located; and

“(D) explains the manner in which new facilities will operate without additional, direct Federal financial assistance to the Boys and Girls Clubs once assistance under this subsection is discontinued.

“(d) REPORT.—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act [see Tables for classification], the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing Boys and Girls Clubs in public housing projects and other distressed areas, and the effectiveness of the programs in reducing drug abuse and juvenile crime.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

“(A) \$80,000,000 for fiscal year 2006;

“(B) \$85,000,000 for fiscal year 2007;

“(C) \$90,000,000 for fiscal year 2008;

“(D) \$95,000,000 for fiscal year 2009; and

“(E) \$100,000,000 for fiscal year 2010.

“[(2) Repealed. Pub. L. 107-273, div. B, title I, §1101(3), Nov. 2, 2002, 116 Stat. 1791.]

“(f) ROLE MODEL GRANTS.—Of amounts made available under subsection (e) for any fiscal year—

“(1) not more than 5 percent may be used to provide a grant to the Boys and Girls Clubs of America for administrative, travel, and other costs associated with a national role-model speaking tour program; and

“(2) no amount may be used to compensate speakers other than to reimburse speakers for reasonable travel and accommodation costs associated with the program described in paragraph (1).”

[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.]

PART C—MODEL INTENSIVE GRANT PROGRAMS

§ 13771. Grant authorization

(a) Establishment

(1) In general

The Attorney General may award grants to not more than 15 chronic high intensive crime areas to develop comprehensive model crime prevention programs that—

(A) involve and utilize a broad spectrum of community resources, including nonprofit community organizations, law enforcement organizations, and appropriate State and Federal agencies, including the State educational agencies;

(B) attempt to relieve conditions that encourage crime; and

(C) provide meaningful and lasting alternatives to involvement in crime.

(2) Consultation with the Ounce of Prevention Council

The Attorney General may consult with the Ounce of Prevention Council in awarding grants under paragraph (1).

(b) Priority

In awarding grants under subsection (a) of this section, the Attorney General shall give priority to proposals that—

(1) are innovative in approach to the prevention of crime in a specific area;

(2) vary in approach to ensure that comparisons of different models may be made; and

(3) coordinate crime prevention programs funded under this program with other existing Federal programs to address the overall needs of communities that benefit from grants received under this subchapter.

(Pub. L. 103-322, title III, §30301, Sept. 13, 1994, 108 Stat. 1844.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b)(3), was in the original “this title”, meaning title III of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1836, which enacted this subchapter, sections 3796ff to 3796ff-4 of this title, and sections 6701 to 6720 of Title 31, Money and Finance, amended sections 3791, 3793, and 3797 of this title, sections 2502 to 2504, 2506, and 2512 of Title 16, Conservation, and section 3621 of Title 18, Crimes and Criminal Procedure, and enacted provisions set out as notes under section 13701 of this title and sections 6701 and 6702 of Title 31. For complete classification of title III to the Code, see Tables.

§ 13772. Uses of funds

(a) In general

Funds awarded under this part may be used only for purposes described in an approved application. The intent of grants under this part is to fund intensively comprehensive crime prevention programs in chronic high intensive crime areas.

(b) Guidelines

The Attorney General shall issue and publish in the Federal Register guidelines that describe suggested purposes for which funds under approved programs may be used.

(c) Equitable distribution of funds

In disbursing funds under this part, the Attorney General shall ensure the distribution of

awards equitably on a geographic basis, including urban and rural areas of varying population and geographic size.

(Pub. L. 103-322, title III, §30302, Sept. 13, 1994, 108 Stat. 1845.)

§ 13773. Program requirements

(a) Description

An applicant shall include a description of the distinctive factors that contribute to chronic violent crime within the area proposed to be served by the grant. Such factors may include lack of alternative activities and programs for youth, deterioration or lack of public facilities, inadequate public services such as public transportation, street lighting, community-based substance abuse treatment facilities, or employment services offices, and inadequate police or public safety services, equipment, or facilities.

(b) Comprehensive plan

An applicant shall include a comprehensive, community-based plan to attack intensively the principal factors identified in subsection (a) of this section. Such plans shall describe the specific purposes for which funds are proposed to be used and how each purpose will address specific factors. The plan also shall specify how local nonprofit organizations, government agencies, private businesses, citizens groups, volunteer organizations, and interested citizens will cooperate in carrying out the purposes of the grant.

(c) Evaluation

An applicant shall include an evaluation plan by which the success of the plan will be measured, including the articulation of specific, objective indicia of performance, how the indicia will be evaluated, and a projected timetable for carrying out the evaluation.

(Pub. L. 103-322, title III, §30303, Sept. 13, 1994, 108 Stat. 1845.)

§ 13774. Applications

To request a grant under this part the chief local elected official of an area shall—

(1) prepare and submit to the Attorney General an application in such form, at such time, and in accordance with such procedures, as the Attorney General shall establish; and

(2) provide an assurance that funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs funded under this part.

(Pub. L. 103-322, title III, §30304, Sept. 13, 1994, 108 Stat. 1845.)

§ 13775. Reports

Not later than December 31, 1998, the Attorney General shall prepare and submit to the Committees on the Judiciary of the House and Senate an evaluation of the model programs developed under this part and make recommendations regarding the implementation of a national crime prevention program.

(Pub. L. 103-322, title III, §30305, Sept. 13, 1994, 108 Stat. 1846.)

§ 13776. Definitions

In this part—

“chief local elected official” means an official designated under regulations issued by the Attorney General. The criteria used by the Attorney General in promulgating such regulations shall ensure administrative efficiency and accountability in the expenditure of funds and execution of funded projects under this part.

“chronic high intensity crime area” means an area meeting criteria adopted by the Attorney General by regulation that, at a minimum, define areas with—

(A) consistently high rates of violent crime as reported in the Federal Bureau of Investigation’s “Uniform Crime Reports”, and

(B) chronically high rates of poverty as determined by the Bureau of the Census.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(Pub. L. 103-322, title III, §30306, Sept. 13, 1994, 108 Stat. 1846.)

§ 13777. Authorization of appropriations

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

- (1) \$100,000,000 for fiscal year 1996;
- (2) \$125,100,000 for fiscal year 1997;
- (3) \$125,100,000 for fiscal year 1998;
- (4) \$125,100,000 for fiscal year 1999; and
- (5) \$150,200,000 for fiscal year 2000.

(Pub. L. 103-322, title III, §30307, Sept. 13, 1994, 108 Stat. 1846.)

PART D—FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM

§ 13791. Community schools youth services and supervision grant program

(a) Short title

This section may be cited as the “Community Schools Youth Services and Supervision Grant Program Act of 1994”.

(b) Definitions

In this section—

“child” means a person who is not younger than 5 and not older than 18 years old.

“community-based organization” means a private, locally initiated, community-based organization that—

(A) is a nonprofit organization, as defined in section 5603(23) of this title; and

(B) is operated by a consortium of service providers, consisting of representatives of 5 or more of the following categories of persons:

- (i) Residents of the community.
- (ii) Business and civic leaders actively involved in providing employment and business development opportunities in the community.
- (iii) Educators.
- (iv) Religious organizations (which shall not provide any sectarian instruction or sectarian worship in connection with an activity funded under this subchapter).

- (v) Law enforcement agencies.
- (vi) Public housing agencies.
- (vii) Other public agencies.
- (viii) Other interested parties.

“eligible community” means an area identified pursuant to subsection (e) of this section.

“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.

“poverty line” means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 9902(2) of this title¹ applicable to a family of the size involved.

“public school” means a public elementary school, as defined in section 1001(i)² of title 20, and a public secondary school, as defined in section 1001(d)² of title 20.

“Secretary” means the Secretary of Health and Human Services, in consultation and coordination with the Attorney General.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

(c) Program authority

(1) In general

(A) Allocations for States and Indian country

For any fiscal year in which the sums appropriated to carry out this section equal or exceed \$20,000,000, from the sums appropriated to carry out this subsection, the Secretary shall allocate, for grants under subparagraph (B) to community-based organizations in each State, an amount bearing the same ratio to such sums as the number of children in the State who are from families with incomes below the poverty line bears to the number of children in all States who are from families with incomes below the poverty line. In view of the extraordinary need for assistance in Indian country, an appropriate amount of funds available under this part shall be made available for such grants in Indian country.

(B) Grants to community-based organizations from allocations

For such a fiscal year, the Secretary may award grants from the appropriate State or Indian country allocation determined under subparagraph (A) on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

(C) Reallocation

If, at the end of such a fiscal year, the Secretary determines that funds allocated for

community-based organizations in a State or Indian country under subparagraph (B) remain unobligated, the Secretary may use such funds to award grants to eligible community-based organizations in another State or Indian country to pay for such Federal share. In awarding such grants, the Secretary shall consider the need to maintain geographic diversity among the recipients of such grants. Amounts made available through such grants shall remain available until expended.

(2) Other fiscal years

For any fiscal year in which the sums appropriated to carry out this section are less than \$20,000,000, the Secretary may award grants on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this section.

(3) Administrative costs

The Secretary may use not more than 3 percent of the funds appropriated to carry out this section in any fiscal year for administrative costs.

(d) Program requirements

(1) Location

A community-based organization that receives a grant under this section to assist in carrying out such a program shall ensure that the program is carried out—

(A) when appropriate, in the facilities of a public school during nonschool hours; or

(B) in another appropriate local facility in a State or Indian country, such as a college or university, a local or State park or recreation center, church, or military base, that is—

- (i) in a location that is easily accessible to children in the community; and
- (ii) in compliance with all applicable local ordinances.

(2) Use of funds

Such community-based organization—

(A) shall use funds made available through the grant to provide, to children in the eligible community, services and activities that—

(i)³ shall include supervised sports programs, and extracurricular and academic programs, that are offered—

(I) after school and on weekends and holidays, during the school year; and

(II) as daily full-day programs (to the extent available resources permit) or as part-day programs, during the summer months;

(B) in providing such extracurricular and academic programs, shall provide programs such as curriculum-based supervised educational, work force preparation, entrepreneurship, cultural, health programs, social activities, arts and crafts programs, dance programs, tutorial and mentoring programs, and other related activities;

¹So in original. Probably should be followed by a closing parenthesis.

²See References in Text note below.

³So in original. No cl. (ii) has been enacted.

(C) may use—

(i) such funds for minor renovation of facilities that are in existence prior to the operation of the program and that are necessary for the operation of the program for which the organization receives the grant, purchase of sporting and recreational equipment and supplies, reasonable costs for the transportation of participants in the program, hiring of staff, provision of meals for such participants, provision of health services consisting of an initial basic physical examination, provision of first aid and nutrition guidance, family counselling, parental training, and substance abuse treatment where appropriate; and

(ii) not more than 5 percent of such funds to pay for the administrative costs of the program; and

(D) may not use such funds to provide sectarian worship or sectarian instruction.

(e) Eligible community identification

(1) Identification

To be eligible to receive a grant under this section, a community-based organization shall identify an eligible community to be assisted under this section.

(2) Criteria

Such eligible community shall be an area that meets such criteria with respect to significant poverty and significant juvenile delinquency, and such additional criteria, as the Secretary may by regulation require.

(f) Applications

(1) Application required

To be eligible to receive a grant under this section, a community-based organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require, and obtain approval of such application.

(2) Contents of application

Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities and services to be provided through the program for which the grant is sought;

(B) contain an assurance that the community-based organization will spend grant funds received under this section in a manner that the community-based organization determines will best accomplish the objectives of this section;

(C) contain a comprehensive plan for the program that is designed to achieve identifiable goals for children in the eligible community;

(D) set forth measurable goals and outcomes for the program that—

(i) will—

(I) where appropriate, make a public school the focal point of the eligible community; or

(II) make a local facility described in subsection (d)(1)(B) of this section such a focal point; and

(ii) may include reducing the percentage of children in the eligible community that enter the juvenile justice system, increasing the graduation rates, school attendance, and academic success of children in the eligible community, and improving the skills of program participants;

(E) provide evidence of support for accomplishing such goals and outcomes from—

(i) community leaders;

(ii) businesses;

(iii) local educational agencies;

(iv) local officials;

(v) State officials;

(vi) Indian tribal government officials; and

(vii) other organizations that the community-based organization determines to be appropriate;

(F) contain an assurance that the community-based organization will use grant funds received under this section to provide children in the eligible community with activities and services that shall include supervised sports programs, and extracurricular and academic programs, in accordance with subparagraphs (A) and (B) of subsection (d)(2) of this section;

(G) contain a list of the activities and services that will be offered through the program for which the grant is sought and sponsored by private nonprofit organizations, individuals, and groups serving the eligible community, including—

(i) extracurricular and academic programs, such as programs described in subsection (d)(2)(B) of this section; and

(ii) activities that address specific needs in the community;

(H) demonstrate the manner in which the community-based organization will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

(I) include an estimate of the number of children in the eligible community expected to be served pursuant to the program;

(J) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

(K) contain an assurance that the community-based organization will use competitive procedures when purchasing, contracting, or otherwise providing for goods, activities, or services to carry out programs under this section;

(L) contain an assurance that the program will maintain a staff-to-participant ratio (including volunteers) that is appropriate to the activity or services provided by the program;

(M) contain an assurance that the program will maintain an average attendance rate of not less than 75 percent of the participants enrolled in the program, or will enroll additional participants in the program;

(N) contain an assurance that the community-based organization will comply with

any evaluation under subsection (m)⁴ of this section, any research effort authorized under Federal law, and any investigation by the Secretary;

(O) contain an assurance that the community-based organization shall prepare and submit to the Secretary an annual report regarding any program conducted under this section;

(P) contain an assurance that the program for which the grant is sought will, to the maximum extent possible, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

(Q) contain an assurance that the community-based organization will maintain separate accounting records for the program.

(3) Priority

In awarding grants to carry out programs under this section, the Secretary shall give priority to community-based organizations who submit applications that demonstrate the greatest effort in generating local support for the programs.

(g) Eligibility of participants

(1) In general

To the extent possible, each child who resides in an eligible community shall be eligible to participate in a program carried out in such community that receives assistance under this section.

(2) Eligibility

To be eligible to participate in a program that receives assistance under this section, a child shall provide the express written approval of a parent or guardian, and shall submit an official application and agree to the terms and conditions of participation in the program.

(3) Nondiscrimination

In selecting children to participate in a program that receives assistance under this section, a community-based organization shall not discriminate on the basis of race, color, religion, sex, national origin, or disability.

(h) Peer review panel

(1) Establishment

The Secretary may establish a peer review panel that shall be comprised of individuals with demonstrated experience in designing and implementing community-based programs.

(2) Composition

A peer review panel shall include at least 1 representative from each of the following:

- (A) A community-based organization.
- (B) A local government.
- (C) A school district.
- (D) The private sector.
- (E) A charitable organization.
- (F) A representative of the United States Olympic Committee, at the option of the Secretary.

(3) Functions

A peer review panel shall conduct the initial review of all grant applications received by

the Secretary under subsection (f) of this section, make recommendations to the Secretary regarding—

(A) grant funding under this section; and

(B) a design for the evaluation of programs assisted under this section.

(i) Investigations and inspections

The Secretary may conduct such investigations and inspections as may be necessary to ensure compliance with the provisions of this section.

(j) Payments; Federal share; non-Federal share

(1) Payments

The Secretary shall, subject to the availability of appropriations, pay to each community-based organization having an application approved under subsection (f) of this section the Federal share of the costs of developing and carrying out programs described in subsection (c) of this section.

(2) Federal share

The Federal share of such costs shall be no more than—

(A) 75 percent for each of fiscal years 1995 and 1996;

(B) 70 percent for fiscal year 1997; and

(C) 60 percent for fiscal year 1998 and thereafter.

(3) Non-Federal share

(A) In general

The non-Federal share of such costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services (including the services described in subsection (f)(2)(P) of this section), and funds appropriated by the Congress for the activity of any agency of an Indian tribal government or the Bureau of Indian Affairs on any Indian lands may be used to provide the non-Federal share of the costs of programs or projects funded under this part.

(B) Special rule

At least 15 percent of the non-Federal share of such costs shall be provided from private or nonprofit sources.

(k) Evaluation

The Secretary shall conduct a thorough evaluation of the programs assisted under this section, which shall include an assessment of—

(1) the number of children participating in each program assisted under this section;

(2) the academic achievement of such children;

(3) school attendance and graduation rates of such children; and

(4) the number of such children being processed by the juvenile justice system.

(Pub. L. 103-322, title III, §30401, Sept. 13, 1994, 108 Stat. 1846; Pub. L. 105-244, title I, §102(a)(13)(N), Oct. 7, 1998, 112 Stat. 1621.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (b), was in the original "this title", meaning title III of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1836, which enacted this subchapter, sections 3796ff to 3796ff-4 of this title, and

⁴ So in original. Probably should be subsection "(k)".

sections 6701 to 6720 of Title 31, Money and Finance, amended sections 3791, 3793, and 3797 of this title, sections 2502 to 2504, 2506, and 2512 of Title 16, Conservation, and section 3621 of Title 18, Crimes and Criminal Procedure, and enacted provisions set out as notes under section 13701 of this title and sections 6701 and 6702 of Title 31. For complete classification of title III to the Code, see Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (b), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

Section 1001 of title 20, referred to in subsec. (b), does not have a subsec. (d) or (i) and does not define “elementary school” or “secondary school”. However, such terms are defined in section 1003 of Title 20, Education.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-244 substituted “section 1001(i)” for “section 1141(i)” and “section 1001(d)” for “section 1141(d)” in definition for “public school”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

§ 13792. Repealed. Pub. L. 105-277, div. A, § 101(f) [title VIII, § 301(d)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-410

Section, Pub. L. 103-322, title III, § 30402, Sept. 13, 1994, 108 Stat. 1852, related to family and community endeavor schools grant program.

§ 13793. Authorization of appropriations

(a) In general

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

- (1) \$37,000,000 for fiscal year 1995;
- (2) \$103,500,000 for fiscal year 1996;
- (3) \$121,500,000 for fiscal year 1997;
- (4) \$153,000,000 for fiscal year 1998;
- (5) \$193,500,000 for fiscal year 1999; and
- (6) \$201,500,000 for fiscal year 2000.

(b) Programs

Of the amounts appropriated under subsection (a) of this section for any fiscal year—

- (1) 70 percent shall be made available to carry out section 13791 of this title; and
- (2) 30 percent shall be made available to carry out section 13792¹ of this title.

(Pub. L. 103-322, title III, § 30403, Sept. 13, 1994, 108 Stat. 1855.)

REFERENCES IN TEXT

Section 13792 of this title, referred to in subsec. (b)(2), was repealed by Pub. L. 105-277, div. A, § 101(f) [title VIII, § 301(d)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-410.

PART E—ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH

§§ 13801, 13802. Repealed. Pub. L. 109-162, title XI, § 1154(b)(2), Jan. 5, 2006, 119 Stat. 3113

Section 13801, Pub. L. 103-322, title III, § 30701, Sept. 13, 1994, 108 Stat. 1855, provided grant authority to the

Attorney General to support the development and operation of projects to provide residential services to delinquent and at-risk youth.

Section 13802, Pub. L. 103-322, title III, § 30702, Sept. 13, 1994, 108 Stat. 1856, authorized appropriations.

PART F—POLICE RECRUITMENT

§ 13811. Grant authority

(a) Grants

(1) In general

The Attorney General may make grants to qualified community organizations to assist in meeting the costs of qualified programs which are designed to recruit and retain applicants to police departments.

(2) Consultation with the Ounce of Prevention Council

The Attorney General may consult with the Ounce of Prevention Council in making grants under paragraph (1).

(b) Qualified community organizations

An organization is a qualified community organization which is eligible to receive a grant under subsection (a) of this section if the organization—

- (1) is a nonprofit organization; and
- (2) has training and experience in—
 - (A) working with a police department and with teachers, counselors, and similar personnel,
 - (B) providing services to the community in which the organization is located,
 - (C) developing and managing services and techniques to recruit individuals to become members of a police department and to assist such individuals in meeting the membership requirements of police departments,
 - (D) developing and managing services and techniques to assist in the retention of applicants to police departments, and
 - (E) developing other programs that contribute to the community.

(B) providing services to the community in which the organization is located,

(C) developing and managing services and techniques to recruit individuals to become members of a police department and to assist such individuals in meeting the membership requirements of police departments,

(D) developing and managing services and techniques to assist in the retention of applicants to police departments, and

(E) developing other programs that contribute to the community.

(c) Qualified programs

A program is a qualified program for which a grant may be made under subsection (a) of this section if the program is designed to recruit and train individuals from underrepresented neighborhoods and localities and if—

(1) the overall design of the program is to recruit and retain applicants to a police department;

(2) the program provides recruiting services which include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations;

(3) the program provides counseling to applicants to police departments who may encounter problems throughout the application process; and

(4) the program provides retention services to assist in retaining individuals to stay in the application process of a police department.

(d) Applications

To qualify for a grant under subsection (a) of this section, a qualified organization shall submit an application to the Attorney General in

¹ See References in Text note below.

such form as the Attorney General may prescribe. Such application shall—

- (1) include documentation from the applicant showing—
 - (A) the need for the grant;
 - (B) the intended use of grant funds;
 - (C) expected results from the use of grant funds; and
 - (D) demographic characteristics of the population to be served, including age, disability, race, ethnicity, and languages used; and
- (2) contain assurances satisfactory to the Attorney General that the program for which a grant is made will meet the applicable requirements of the program guidelines prescribed by the Attorney General under subsection (i) of this section.

(e) Action by Attorney General

Not later than 60 days after the date that an application for a grant under subsection (a) of this section is received, the Attorney General shall consult with the police department which will be involved with the applicant and shall—

- (1) approve the application and disburse the grant funds applied for; or
- (2) disapprove the application and inform the applicant that the application is not approved and provide the applicant with the reasons for the disapproval.

(f) Grant disbursement

The Attorney General shall disburse funds under a grant under subsection (a) of this section in accordance with regulations of the Attorney General which shall ensure—

- (1) priority is given to applications for areas and organizations with the greatest showing of need;
- (2) that grant funds are equitably distributed on a geographic basis; and
- (3) the needs of underserved populations are recognized and addressed.

(g) Grant period

A grant under subsection (a) of this section shall be made for a period not longer than 3 years.

(h) Grantee reporting

(1) For each year of a grant period for a grant under subsection (a) of this section, the recipient of the grant shall file a performance report with the Attorney General explaining the activities carried out with the funds received and assessing the effectiveness of such activities in meeting the purpose of the recipient's qualified program.

(2) If there was more than one recipient of a grant, each recipient shall file such report.

(3) The Attorney General shall suspend the funding of a grant, pending compliance, if the recipient of the grant does not file the report required by this subsection or uses the grant for a purpose not authorized by this section.

(i) Guidelines

The Attorney General shall, by regulation, prescribe guidelines on content and results for programs receiving a grant under subsection (a) of this section. Such guidelines shall be designed

to establish programs which will be effective in training individuals to enter instructional programs for police departments and shall include requirements for—

- (1) individuals providing recruiting services;
- (2) individuals providing tutorials and other academic assistance programs;
- (3) individuals providing retention services; and
- (4) the content and duration of recruitment, retention, and counseling programs and the means and devices used to publicize such programs.

(Pub. L. 103-322, title III, §30801, Sept. 13, 1994, 108 Stat. 1857.)

§ 13812. Authorization of appropriations

There are authorized to be appropriated for grants under section 13811 of this title—

- (1) \$2,000,000 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) \$7,000,000 for fiscal year 2000.

(Pub. L. 103-322, title III, §30802, Sept. 13, 1994, 108 Stat. 1858.)

PART G—NATIONAL COMMUNITY ECONOMIC PARTNERSHIP

SUBPART 1—COMMUNITY ECONOMIC PARTNERSHIP INVESTMENT FUNDS

§ 13821. Purpose

It is the purpose of this subpart to increase private investment in distressed local communities and to build and expand the capacity of local institutions to better serve the economic needs of local residents through the provision of financial and technical assistance to community development corporations.

(Pub. L. 103-322, title III, §31111, Sept. 13, 1994, 108 Stat. 1882.)

SHORT TITLE

For short title of this part as the "National Community Economic Partnership Act of 1994", see section 31101 of Pub. L. 103-322, set out as a note under section 13701 of this title.

§ 13822. Provision of assistance

(a) Authority

The Secretary of Health and Human Services (referred to in this part as the "Secretary") may, in accordance with this subpart, provide nonrefundable lines of credit to community development corporations for the establishment, maintenance or expansion of revolving loan funds to be utilized to finance projects intended to provide business and employment opportunities for low-income, unemployed, or underemployed individuals and to improve the quality of life in urban and rural areas.

(b) Revolving loan funds

(1) Competitive assessment of applications

In providing assistance under subsection (a) of this section, the Secretary shall establish and implement a competitive process for the

solicitation and consideration of applications from eligible entities for lines of credit for the capitalization of revolving funds.

(2) Eligible entities

To be eligible to receive a line of credit under this subpart an applicant shall—

(A) be a community development corporation;

(B) prepare and submit an application to the Secretary that shall include a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted and the impact of such assistance on low-income, underemployed, and unemployed individuals in the target area;

(C) demonstrate previous experience in the development of low-income housing or community or business development projects in a low-income community and provide a record of achievement with respect to such projects; and

(D) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit or letters of commitment) in an amount that is at least equal to the amount requested in the application submitted under subparagraph (B).

(3) Exception

Notwithstanding the provisions of paragraph (2)(D), the Secretary may reduce local contributions to not less than 25 percent of the amount of the line of credit requested by the community development corporation if the Secretary determines such to be appropriate in accordance with section 13826 of this title.

(Pub. L. 103-322, title III, §31112, Sept. 13, 1994, 108 Stat. 1882.)

§ 13823. Approval of applications

(a) In general

In evaluating applications submitted under section 13822(b)(2)(B) of this title, the Secretary shall ensure that—

(1) the residents of the target area to be served (as identified under the strategic development plan) would have an income that is less than the median income for the area (as determined by the Secretary);

(2) the applicant community development corporation possesses the technical and managerial capability necessary to administer a revolving loan fund and has past experience in the development and management of housing, community and economic development programs;

(3) the applicant community development corporation has provided sufficient evidence of the existence of good working relationships with—

(A) local businesses and financial institutions, as well as with the community the corporation proposes to serve; and

(B) local and regional job training programs;

(4) the applicant community development corporation will target job opportunities that

arise from revolving loan fund investments under this subpart so that 75 percent of the jobs retained or created under such investments are provided to—

(A) individuals with—

(i) incomes that do not exceed the Federal poverty line; or

(ii) incomes that do not exceed 80 percent of the median income of the area;

(B) individuals who are unemployed or underemployed;

(C) individuals who are participating or have participated in job training programs authorized under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] or the Family Support Act of 1988 (Public Law 100-485);

(D) individuals whose jobs may be retained as a result of the provision of financing available under this subpart; or

(E) individuals who have historically been underrepresented in the local economy; and

(5) a representative cross section of applicants are approved, including large and small community development corporations, urban and rural community development corporations and community development corporations representing diverse populations.

(b) Priority

In determining which application to approve under this subpart the Secretary shall give priority to those applicants proposing to serve a target area—

(1) with a median income that does not exceed 80 percent of the median for the area (as determined by the Secretary); and

(2) with a high rate of unemployment, as determined by the Secretary or in which the population loss is at least 7 percent from April 1, 1980, to April 1, 1990, as reported by the Bureau of the Census.

(Pub. L. 103-322, title III, §31113, Sept. 13, 1994, 108 Stat. 1883; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(44), (f)(35)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-428, 2681-434.)

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (a)(4)(C), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

The Family Support Act of 1988, referred to in subsec. (a)(4)(C), is Pub. L. 100-485, Oct. 13, 1988, 102 Stat. 2343, as amended. For complete classification of this Act to the Code, see Short Title of 1988 Amendments note set out under section 1305 of this title and Tables.

AMENDMENTS

1998—Subsec. (a)(4)(C). Pub. L. 105-277, §101(f) [title VIII, §405(f)(35)], struck out “the Job Training Partnership Act or” after “authorized under”.

Pub. L. 105-277, §101(f) [title VIII, §405(d)(44)], substituted “authorized under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998” for “authorized under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, §405(d)(44)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment

by section 101(f) [title VIII, § 405(f)(35)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, § 405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

§ 13824. Availability of lines of credit and use

(a) Approval of application

The Secretary shall provide a community development corporation that has an application approved under section 13823 of this title with a line of credit in an amount determined appropriate by the Secretary, subject to the limitations contained in subsection (b) of this section.

(b) Limitations on availability of amounts

(1) Maximum amount

The Secretary shall not provide in excess of \$2,000,000 in lines of credit under this subpart to a single applicant.

(2) Period of availability

A line of credit provided under this subpart shall remain available over a period of time established by the Secretary, but in no event shall any such period of time be in excess of 3 years from the date on which such line of credit is made available.

(3) Exception

Notwithstanding paragraphs (1) and (2), if a recipient of a line of credit under this subpart has made full and productive use of such line of credit, can demonstrate the need and demand for additional assistance, and can meet the requirements of section 13822(b)(2) of this title, the amount of such line of credit may be increased by not more than \$1,500,000.

(c) Amounts drawn from line of credit

Amounts drawn from each line of credit under this subpart shall be used solely for the purposes described in section 13821 of this title and shall only be drawn down as needed to provide loans, investments, or to defray administrative costs related to the establishment of a revolving loan fund.

(d) Use of revolving loan funds

Revolving loan funds established with lines of credit provided under this subpart may be used to provide technical assistance to private business enterprises and to provide financial assistance in the form of loans, loan guarantees, interest reduction assistance, equity shares, and other such forms of assistance to business enterprises in target areas and who are in compliance with section 13823(a)(4) of this title.

(Pub. L. 103-322, title III, §31114, Sept. 13, 1994, 108 Stat. 1884.)

§ 13825. Limitations on use of funds

(a) Matching requirement

Not to exceed 50 percent of the total amount to be invested by an entity under this subpart may be derived from funds made available from a line of credit under this subpart.

(b) Technical assistance and administration

Not to exceed 10 percent of the amounts available from a line of credit under this subpart

shall be used for the provision of training or technical assistance and for the planning, development, and management of economic development projects. Community development corporations shall be encouraged by the Secretary to seek technical assistance from other community development corporations, with expertise in the planning, development and management of economic development projects. The Secretary shall assist in the identification and facilitation of such technical assistance.

(c) Local and private sector contributions

To receive funds available under a line of credit provided under this subpart, an entity, using procedures established by the Secretary, shall demonstrate to the community development corporation that such entity agrees to provide local and private sector contributions in accordance with section 13822(b)(2)(D) of this title, will participate with such community development corporation in a loan, guarantee or investment program for a designated business enterprise, and that the total financial commitment to be provided by such entity is at least equal to the amount to be drawn from the line of credit.

(d) Use of proceeds from investments

Proceeds derived from investments made using funds made available under this subpart may be used only for the purposes described in section 13821 of this title and shall be reinvested in the community in which they were generated.

(Pub. L. 103-322, title III, §31115, Sept. 13, 1994, 108 Stat. 1884.)

§ 13826. Program priority for special emphasis programs

(a) In general

The Secretary shall give priority in providing lines of credit under this subpart to community development corporations that propose to undertake economic development activities in distressed communities that target women, Native Americans, at risk youth, farmworkers, population-losing communities, very low-income communities, single mothers, veterans, and refugees; or that expand employee ownership of private enterprises and small businesses, and to programs providing loans of not more than \$35,000 to very small business enterprises.

(b) Reservation of funds

Not less than 5 percent of the amounts made available under section 13822(a)(2)(A)¹ of this title may be reserved to carry out the activities described in subsection (a) of this section.

(Pub. L. 103-322, title III, §31116, Sept. 13, 1994, 108 Stat. 1885.)

SUBPART 2—EMERGING COMMUNITY DEVELOPMENT CORPORATIONS

§ 13841. Community development corporation improvement grants

(a) Purpose

It is the purpose of this section to provide assistance to community development corpora-

¹ So in original. Probably should be section "13852(b)(1)".

tions to upgrade the management and operating capacity of such corporations and to enhance the resources available to enable such corporations to increase their community economic development activities.

(b) Skill enhancement grants

(1) In general

The Secretary shall award grants to community development corporations to enable such corporations to attain or enhance the business management and development skills of the individuals that manage such corporations to enable such corporations to seek the public and private resources necessary to develop community economic development projects.

(2) Use of funds

A recipient of a grant under paragraph (1) may use amounts received under such grant—

- (A) to acquire training and technical assistance from agencies or institutions that have extensive experience in the development and management of low-income community economic development projects; or
- (B) to acquire such assistance from other highly successful community development corporations.

(c) Operating grants

(1) In general

The Secretary shall award grants to community development corporations to enable such corporations to support an administrative capacity for the planning, development, and management of low-income community economic development projects.

(2) Use of funds

A recipient of a grant under paragraph (1) may use amounts received under such grant—

- (A) to conduct evaluations of the feasibility of potential low-income community economic development projects that address identified needs in the low-income community and that conform to those projects and activities permitted under subpart 1;¹
- (B) to develop a business plan related to such a potential project; or
- (C) to mobilize resources to be contributed to a planned low-income community economic development project or strategy.

(d) Applications

A community development corporation that desires to receive a grant under this section shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) Amount available for community development corporation

Amounts provided under this section to a community development corporation shall not exceed \$75,000 per year. Such corporations may apply for grants under this section for up to 3 consecutive years, except that such corporations shall be required to submit a new application for each grant for which such corporation desires to

receive and compete on the basis of such applications in the selection process.

(Pub. L. 103-322, title III, §31121, Sept. 13, 1994, 108 Stat. 1885.)

REFERENCES IN TEXT

Subpart 1, referred to in subsec. (c)(2)(A), was in the original "subtitle A", and was translated as reading "chapter 1", meaning chapter 1 of subtitle K of title III of Pub. L. 103-322, to reflect the probable intent of Congress.

§ 13842. Emerging community development corporation revolving loan funds

(a) Authority

The Secretary may award grants to emerging community development corporations to enable such corporations to establish, maintain or expand revolving loan funds, to make or guarantee loans, or to make capital investments in new or expanding local businesses.

(b) Eligibility

To be eligible to receive a grant under subsection (a) of this section, an entity shall—

- (1) be a community development corporation;
- (2) have completed not less than one nor more than two community economic development projects or related projects that improve or provide job and employment opportunities to low-income individuals;
- (3) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a strategic investment plan that identifies and describes the economic characteristics of the target area to be served, the types of business to be assisted using amounts received under the grant and the impact of such assistance on low-income individuals; and
- (4) have secured one or more commitments from local sources for contributions (either in cash or in kind, letters of credit, or letters of commitment) in an amount that is equal to at least 10 percent of the amounts requested in the application submitted under paragraph (2).¹

(c) Use of revolving loan fund

(1) In general

A revolving loan fund established or maintained with amounts received under this section may be utilized to provide financial and technical assistance, loans, loan guarantees or investments to private business enterprises to—

- (A) finance projects intended to provide business and employment opportunities for low-income individuals and to improve the quality of life in urban and rural areas; and
- (B) build and expand the capacity of emerging community development corporations and serve the economic needs of local residents.

(2) Technical assistance

The Secretary shall encourage emerging community development corporations that re-

¹ See References in Text note below.

¹ So in original. Probably should be paragraph "(3)".

ceive grants under this section to seek technical assistance from established community development corporations, with expertise in the planning, development and management of economic development projects and shall facilitate the receipt of such assistance.

(3) Limitation

Not to exceed 10 percent of the amounts received under this section by a grantee shall be used for training, technical assistance and administrative purposes.

(d) Use of proceeds from investments

Proceeds derived from investments made with amounts provided under this section may be utilized only for the purposes described in this part and shall be reinvested in the community in which they were generated.

(e) Amounts available

Amounts provided under this section to a community development corporation shall not exceed \$500,000 per year.

(Pub. L. 103-322, title III, §31122, Sept. 13, 1994, 108 Stat. 1886.)

SUBPART 3—MISCELLANEOUS PROVISIONS

§ 13851. Definitions

As used in this part:

(1) Community development corporation

The term “community development corporation” means a private, nonprofit corporation whose board of directors is comprised of business, civic and community leaders, and whose principal purpose includes the provision of low-income housing or community economic development projects that primarily benefit low-income individuals and communities.

(2) Local and private sector contribution

The term “local and private sector contribution” means the funds available at the local level (by private financial institutions, State and local governments) or by any private philanthropic organization and private, nonprofit organizations that will be committed and used solely for the purpose of financing private business enterprises in conjunction with amounts provided under this part.

(3) Population-losing community

The term “population-losing community” means any county in which the net population loss is at least 7 percent from April 1, 1980 to April 1, 1990, as reported by the Bureau of the Census.

(4) Private business enterprise

The term “private business enterprise” means any business enterprise that is engaged in the manufacture of a product, provision of a service, construction or development of a facility, or that is involved in some other commercial, manufacturing or industrial activity, and that agrees to target job opportunities stemming from investments authorized under this part to certain individuals.

(5) Target area

The term “target area” means any area defined in an application for assistance under

this part that has a population whose income does not exceed the median for the area within which the target area is located.

(6) Very low-income community

The term “very low-income community” means a community in which the median income of the residents of such community does not exceed 50 percent of the median income of the area.

(Pub. L. 103-322, title III, §31131, Sept. 13, 1994, 108 Stat. 1887.)

§ 13852. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out subparts 1 and 2—

- (1) \$45,000,000 for fiscal year 1996;
- (2) \$72,000,000 for fiscal year 1997;
- (3) \$76,500,000 for fiscal year 1998; and
- (4) \$76,500,000 for fiscal year 1999.

(b) Earmarks

Of the aggregate amount appropriated under subsection (a) of this section for each fiscal year—

- (1) 60 percent shall be available to carry out subpart 1; and
- (2) 40 percent shall be available to carry out subpart 2.

(c) Amounts

Amounts appropriated under subsection (a) of this section shall remain available for expenditure without fiscal year limitation.

(Pub. L. 103-322, title III, §31132, Sept. 13, 1994, 108 Stat. 1888.)

§ 13853. Prohibition

None of the funds authorized under this part shall be used to finance the construction of housing.

(Pub. L. 103-322, title III, §31133, Sept. 13, 1994, 108 Stat. 1888.)

PART H—COMMUNITY-BASED JUSTICE GRANTS
FOR PROSECUTORS

§ 13861. Grant authorization

(a) In general

The Attorney General may make grants to State, Indian tribal, or local prosecutors for the purpose of supporting the creation or expansion of community-based justice programs.

(b) Consultation

The Attorney General may consult with the Ounce of Prevention Council in making grants under subsection (a) of this section.

(Pub. L. 103-322, title III, §31701, Sept. 13, 1994, 108 Stat. 1890.)

§ 13862. Use of funds

Grants made by the Attorney General under this section shall be used—

- (1) to fund programs that require the cooperation and coordination of prosecutors, school officials, police, probation officers, youth and social service professionals, and

community members in the effort to reduce the incidence of, and increase the successful identification and speed of prosecution of, young violent offenders;

(2) to fund programs in which prosecutors focus on the offender, not simply the specific offense, and impose individualized sanctions, designed to deter that offender from further antisocial conduct, and impose increasingly serious sanctions on a young offender who continues to commit offenses;

(3) to fund programs that coordinate criminal justice resources with educational, social service, and community resources to develop and deliver violence prevention programs, including mediation and other conflict resolution methods, treatment, counseling, educational, and recreational programs that create alternatives to criminal activity;

(4) in rural States (as defined in section 3796bb(b) of this title), to fund cooperative efforts between State and local prosecutors, victim advocacy and assistance groups, social and community service providers, and law enforcement agencies to investigate and prosecute child abuse cases, treat youthful victims of child abuse, and work in cooperation with the community to develop education and prevention strategies directed toward the issues with which such entities are concerned; and

(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.

(Pub. L. 103-322, title III, §31702, Sept. 13, 1994, 108 Stat. 1890; Pub. L. 110-177, title III, §301(a), Jan. 7, 2008, 121 Stat. 2538.)

AMENDMENTS

2008—Par. (5). Pub. L. 110-177 added par. (5).

§ 13863. Applications

(a) Eligibility

In order to be eligible to receive a grant under this part¹ for any fiscal year, a State, Indian tribal, or local prosecutor, in conjunction with the chief executive officer of the jurisdiction in which the program will be placed, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) Requirements

Each applicant shall include—

(1) a request for funds for the purposes described in section 13862 of this title;

(2) a description of the communities to be served by the grant, including the nature of the youth crime, youth violence, and child abuse problems within such communities;

(3) assurances that Federal funds received under this part¹ shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section; and

(4) statistical information in such form and containing such information that the Attorney General may require.

¹ See References in Text note below.

(c) Comprehensive plan

Each applicant shall include a comprehensive plan that shall contain—

(1) a description of the youth violence or child abuse crime problem;

(2) an action plan outlining how the applicant will achieve the purposes as described in section 13862 of this title;

(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources; and

(4) a description of how the requested grant will be used to fill gaps.

(Pub. L. 103-322, title III, §31703, Sept. 13, 1994, 108 Stat. 1891.)

REFERENCES IN TEXT

This part, referred to in subsecs. (a) and (b)(3), appearing in the original is unidentifiable because subtitle Q of title III of Pub. L. 103-322 does not contain parts.

§ 13864. Allocation of funds; limitations on grants

(a) Administrative cost limitation

The Attorney General shall use not more than 5 percent of the funds available under this program for the purposes of administration and technical assistance.

(b) Renewal of grants

A grant under this part¹ may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part,¹ subject to the availability of funds, if—

(1) the Attorney General determines that the funds made available to the recipient during the previous years were used in a manner required under the approved application; and

(2) the Attorney General determines that an additional grant is necessary to implement the community prosecution program described in the comprehensive plan required by section 13863 of this title.

(Pub. L. 103-322, title III, §31704, Sept. 13, 1994, 108 Stat. 1891.)

REFERENCES IN TEXT

This part, referred to in subsec. (b), appearing in the original is unidentifiable because subtitle Q of title III of Pub. L. 103-322 does not contain parts.

§ 13865. Award of grants

The Attorney General shall consider the following facts in awarding grants:

(1) Demonstrated need and evidence of the ability to provide the services described in the plan required under section 13863 of this title.

(2) The Attorney General shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

(Pub. L. 103-322, title III, §31705, Sept. 13, 1994, 108 Stat. 1891.)

§ 13866. Reports

(a) Report to Attorney General

State and local prosecutors that receive funds under this part shall submit to the Attorney

¹ See References in Text note below.

General a report not later than March 1 of each year that describes progress achieved in carrying out the plan described under section 13863(c) of this title.

(b) Report to Congress

The Attorney General shall submit to the Congress a report by October 1 of each year in which grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this part.

(Pub. L. 103-322, title III, §31706, Sept. 13, 1994, 108 Stat. 1892.)

§ 13867. Authorization of appropriations

There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2008 through 2012 to carry out this part.

(Pub. L. 103-322, title III, §31707, Sept. 13, 1994, 108 Stat. 1892; Pub. L. 110-177, title III, §301(b), Jan. 7, 2008, 121 Stat. 2539.)

AMENDMENTS

2008—Pub. L. 110-177 amended section generally. Prior to amendment, section authorized appropriations of \$7,000,000 for fiscal year 1996, \$10,000,000 for each of fiscal years 1997 and 1998, \$11,000,000 for fiscal year 1999, and \$12,000,000 for fiscal year 2000.

§ 13868. Definitions

In this part—

“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.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

“young violent offenders” means individuals, ages 7 through 22, who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations, and offenses against personal property of another.

(Pub. L. 103-322, title III, §31708, Sept. 13, 1994, 108 Stat. 1892.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in text, is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

PART I—FAMILY UNITY DEMONSTRATION PROJECT

§ 13881. Purpose

The purpose of this part is to evaluate the effectiveness of certain demonstration projects in helping to—

(1) alleviate the harm to children and primary caretaker parents caused by separation due to the incarceration of the parents;

(2) reduce recidivism rates of prisoners by encouraging strong and supportive family relationships; and

(3) explore the cost effectiveness of community correctional facilities.

(Pub. L. 103-322, title III, §31902, Sept. 13, 1994, 108 Stat. 1892.)

SHORT TITLE

For short title of this part as the “Family Unity Demonstration Project Act”, see section 31901 of Pub. L. 103-322, set out as a note under section 13701 of this title.

§ 13882. Definitions

In this part—

“child” means a person who is less than 7 years of age.

“community correctional facility” means a residential facility that—

(A) is used only for eligible offenders and their children under 7 years of age;

(B) is not within the confines of a jail or prison;

(C) houses no more than 50 prisoners in addition to their children; and

(D) provides to inmates and their children—

(i) a safe, stable, environment for children;

(ii) pediatric and adult medical care consistent with medical standards for correctional facilities;

(iii) programs to improve the stability of the parent-child relationship, including educating parents regarding—

(I) child development; and

(II) household management;

(iv) alcoholism and drug addiction treatment for prisoners; and

(v) programs and support services to help inmates—

(I) to improve and maintain mental and physical health, including access to counseling;

(II) to obtain adequate housing upon release from State incarceration;

(III) to obtain suitable education, employment, or training for employment; and

(IV) to obtain suitable child care.

“eligible offender” means a primary caretaker parent who—

(A) has been sentenced to a term of imprisonment of not more than 7 years or is awaiting sentencing for a conviction punishable by such a term of imprisonment; and

(B) has not engaged in conduct that—

(i) knowingly resulted in death or serious bodily injury;

(ii) is a felony for a crime of violence against a person; or

(iii) constitutes child neglect or mental, physical, or sexual abuse of a child.

“primary caretaker parent” means—

(A) a parent who has consistently assumed responsibility for the housing, health, and safety of a child prior to incarceration; or

(B) a woman who has given birth to a child after or while awaiting her sentencing hearing and who expresses a willingness to assume responsibility for the housing, health, and safety of that child,

a parent who, in the best interest of a child, has arranged for the temporary care of the child in the home of a relative or other responsible adult shall not for that reason be excluded from the category “primary caretaker”.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(Pub. L. 103-322, title III, §31903, Sept. 13, 1994, 108 Stat. 1893.)

§ 13883. Authorization of appropriations

(a) Authorization

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

- (1) \$3,600,000 for fiscal year 1996;
- (2) \$3,600,000 for fiscal year 1997;
- (3) \$3,600,000 for fiscal year 1998;
- (4) \$3,600,000 for fiscal year 1999; and
- (5) \$5,400,000 for fiscal year 2000.

(b) Availability of appropriations

Of the amount appropriated under subsection (a) of this section for any fiscal year—

- (1) 90 percent shall be available to carry out subpart 1; and
- (2) 10 percent shall be available to carry out subpart 2.

(Pub. L. 103-322, title III, §31904, Sept. 13, 1994, 108 Stat. 1894.)

SUBPART 1—GRANTS TO STATES

§ 13891. Authority to make grants

(a) General authority

The Attorney General may make grants, on a competitive basis, to States to carry out in accordance with this part family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children.

(b) Preferences

For the purpose of making grants under subsection (a) of this section, the Attorney General shall give preference to a State that includes in the application required by section 13892 of this title assurances that if the State receives a grant—

- (1) both the State corrections agency and the State health and human services agency will participate substantially in, and cooperate closely in all aspects of, the development and operation of the family unity demonstration project for which such a grant is requested;

(2) boards made up of community members, including residents, local businesses, corrections officials, former prisoners, child development professionals, educators, and maternal and child health professionals will be estab-

lished to advise the State regarding the operation of such project;

(3) the State has in effect a policy that provides for the placement of all prisoners, whenever possible, in correctional facilities for which they qualify that are located closest to their respective family homes;

(4) unless the Attorney General determines that a longer timeline is appropriate in a particular case, the State will implement the project not later than 180 days after receiving a grant under subsection (a) of this section and will expend all of the grant during a 1-year period;

(5) the State has the capacity to continue implementing a community correctional facility beyond the funding period to ensure the continuity of the work;

(6) unless the Attorney General determines that a different process for selecting participants in a project is desirable, the State will—

(A) give written notice to a prisoner, not later than 30 days after the State first receives a grant under subsection (a) of this section or 30 days after the prisoner is sentenced to a term of imprisonment of not more than 7 years (whichever is later), of the proposed or current operation of the project;

(B) accept at any time at which the project is in operation an application by a prisoner to participate in the project if, at the time of application, the remainder of the prisoner’s sentence exceeds 180 days;

(C) review applications by prisoners in the sequence in which the State receives such applications; and

(D) not more than 50 days after reviewing such applications approve or disapprove the application; and

(7) for the purposes of selecting eligible offenders to participate in such project, the State has authorized State courts to sentence an eligible offender directly to a community correctional facility, provided that the court gives assurances that the offender would have otherwise served a term of imprisonment.

(c) Selection of grantees

The Attorney General shall make grants under subsection (a) of this section on a competitive basis, based on such criteria as the Attorney General shall issue by rule and taking into account the preferences described in subsection (b) of this section.

(Pub. L. 103-322, title III, §31911, Sept. 13, 1994, 108 Stat. 1894.)

§ 13892. Eligibility to receive grants

To be eligible to receive a grant under section 13891 of this title, a State shall submit to the Attorney General an application at such time, in such form, and containing such information as the Attorney General reasonably may require by rule.

(Pub. L. 103-322, title III, §31912, Sept. 13, 1994, 108 Stat. 1895.)

§ 13893. Report**(a) In general**

A State that receives a grant under this subpart¹ shall, not later than 90 days after the 1-year period in which the grant is required to be expended, submit a report to the Attorney General regarding the family unity demonstration project for which the grant was expended.

(b) Contents

A report under subsection (a) of this section shall—

(1) state the number of prisoners who submitted applications to participate in the project and the number of prisoners who were placed in community correctional facilities;

(2) state, with respect to prisoners placed in the project, the number of prisoners who are returned to that jurisdiction and custody and the reasons for such return;

(3) describe the nature and scope of educational and training activities provided to prisoners participating in the project;

(4) state the number, and describe the scope of, contracts made with public and nonprofit private community-based organizations to carry out such project; and

(5) evaluate the effectiveness of the project in accomplishing the purposes described in section 13881 of this title.

(Pub. L. 103-322, title III, §31913, Sept. 13, 1994, 108 Stat. 1895.)

REFERENCES IN TEXT

This subpart, referred to in subsec. (a), was in the original “this title” and was translated as reading “this chapter”, meaning chapter 1 of subtitle S of title III of Pub. L. 103-322, to reflect the probable intent of Congress.

SUBPART 2—FAMILY UNITY DEMONSTRATION
PROJECT FOR FEDERAL PRISONERS**§ 13901. Authority of Attorney General****(a) In general**

With the funds available to carry out this part for the benefit of Federal prisoners, the Attorney General, acting through the Director of the Bureau of Prisons, shall select eligible prisoners to live in community correctional facilities with their children.

(b) General contracting authority

In implementing this part,¹ the Attorney General may enter into contracts with appropriate public or private agencies to provide housing, sustenance, services, and supervision of inmates eligible for placement in community correctional facilities under this part.¹

(c) Use of State facilities

At the discretion of the Attorney General, Federal participants may be placed in State projects as defined in subpart 1. For such participants, the Attorney General shall, with funds available under section 13883(b)(2) of this title, reimburse the State for all project costs related to the Federal participant's placement, including administrative costs.

¹ See References in Text note below.

¹ See References in Text note below.

(Pub. L. 103-322, title III, §31921, Sept. 13, 1994, 108 Stat. 1896.)

REFERENCES IN TEXT

This part, referred to in subsec. (b), was in the original “this title” and was translated as reading “this subtitle”, meaning subtitle S of title III of Pub. L. 103-322, to reflect the probable intent of Congress.

§ 13902. Requirements

For the purpose of placing Federal participants in a family unity demonstration project under section 13901 of this title, the Attorney General shall consult with the Secretary of Health and Human Services regarding the development and operation of the project.

(Pub. L. 103-322, title III, §31922, Sept. 13, 1994, 108 Stat. 1896.)

PART J—PREVENTION, DIAGNOSIS, AND TREATMENT OF TUBERCULOSIS IN CORRECTIONAL INSTITUTIONS

§ 13911. Prevention, diagnosis, and treatment of tuberculosis in correctional institutions**(a) Guidelines**

The Attorney General, in consultation with the Secretary of Health and Human Services and the Director of the National Institute of Corrections, shall develop and disseminate to appropriate entities, including State, Indian tribal, and local correctional institutions and the Immigration and Naturalization Service, guidelines for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions and persons held in holding facilities operated by or under contract with the Immigration and Naturalization Service.

(b) Compliance

The Attorney General shall ensure that prisons in the Federal prison system and holding facilities operated by or under contract with the Immigration and Naturalization Service comply with the guidelines described in subsection (a) of this section.

(c) Grants**(1) In general**

The Attorney General shall make grants to State, Indian tribal, and local correction authorities and public health authorities to assist in establishing and operating programs for the prevention, diagnosis, treatment, and followup care of tuberculosis among inmates of correctional institutions.

(2) Federal share

The Federal share of funding of a program funded with a grant under paragraph (1) shall not exceed 50 percent.

(3) Authorization of appropriations

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

- (A) \$700,000 for fiscal year 1996;
- (B) \$1,000,000 for fiscal year 1997;
- (C) \$1,000,000 for fiscal year 1998;
- (D) \$1,100,000 for fiscal year 1999; and
- (E) \$1,200,000 for fiscal year 2000.

(d) Definitions

In this section—

“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.),¹ that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

(Pub. L. 103-322, title III, §32201, Sept. 13, 1994, 108 Stat. 1901.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsec. (d), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

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.

PART K—GANG RESISTANCE EDUCATION AND TRAINING

§ 13921. Gang Resistance Education and Training projects**(a) Establishment of projects****(1) In general**

The Attorney General shall establish not less than 50 Gang Resistance Education and Training (GREAT) projects, to be located in communities across the country, in addition to the number of projects currently funded.

(2) Selection of communities

Communities identified for such GREAT projects shall be selected by the Attorney General on the basis of gang-related activity in that particular community.

(3) Amount of assistance per project; allocation

The Attorney General shall make available not less than \$800,000 per project, subject to the availability of appropriations, and such funds shall be allocated—

(A) 50 percent to the affected State and local law enforcement and prevention organizations participating in such projects; and

(B) 50 percent to the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice for salaries, expenses, and associated administrative costs for operating and overseeing such projects.

(b) Authorization of appropriations

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

- (1) \$20,000,000 for fiscal year 2006;
- (2) \$20,000,000 for fiscal year 2007;
- (3) \$20,000,000 for fiscal year 2008;
- (4) \$20,000,000 for fiscal year 2009; and
- (5) \$20,000,000 for fiscal year 2010.

(Pub. L. 103-322, title III, §32401, Sept. 13, 1994, 108 Stat. 1902; Pub. L. 107-296, title XI, §1112(p), Nov. 25, 2002, 116 Stat. 2278; Pub. L. 109-162, title XI, §1188, Jan. 5, 2006, 119 Stat. 3128.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-162, which directed the amendment of section 32401(b) of the Violent Crime Control Act of 1994 by adding pars. (1) to (5) and striking out former pars. (1) to (6), was executed by making the amendments to this section, which is section 32401(b) of the Violent Crime Control and Law Enforcement Act of 1994, to reflect the probable intent of Congress. Former pars. (1) to (6) authorized appropriations for fiscal years 1995 through 2000.

2002—Subsec. (a). Pub. L. 107-296, §1112(p)(1), substituted “Attorney General” for “Secretary of the Treasury” wherever appearing.

Subsec. (a)(3)(B). Pub. L. 107-296, §1112(p)(2), substituted “Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice” for “Bureau of Alcohol, Tobacco and Firearms”.

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.

SUBCHAPTER III—VIOLENCE AGAINST WOMEN

§ 13925. Definitions and grant provisions**(a) Definitions**

In this subchapter:

(1) Courts

The term “courts” means any civil or criminal, tribal, and Alaska Native Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decision-making authority.

(2) Child abuse and neglect

The term “child abuse and neglect” means any recent act or failure to act on the part of a parent or caregiver with intent to cause death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm. This definition shall not be construed to mean that failure to leave an abusive relationship, in the absence of other action constituting abuse or neglect, is itself abuse or neglect.

(3) Community-based organization

The term “community-based organization” means an organization that—

- (A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

¹ So in original. A closing parenthesis probably should precede the comma.

(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

(4) Child maltreatment

The term “child maltreatment” means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

(5) Court-based and court-related personnel

The term “court-based” and “court-related personnel” mean persons working in the court, whether paid or volunteer, including—

(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

(B) court security personnel;

(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

(6) Domestic violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

(7) Dating partner

The term “dating partner” refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

(A) the length of the relationship;

(B) the type of relationship; and

(C) the frequency of interaction between the persons involved in the relationship.

(8) Dating violence

The term “dating violence” means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

(9) Elder abuse

The term “elder abuse” means any action against a person who is 50 years of age or older that constitutes the willful—

(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

(B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness.

(10) Indian

The term “Indian” means a member of an Indian tribe.

(11) Indian country

The term “Indian country” has the same meaning given such term in section 1151 of title 18.

(12) Indian housing

The term “Indian housing” means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq., as amended).

(13) Indian tribe

The term “Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, 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.

(14) Indian law enforcement

The term “Indian law enforcement” means the departments or individuals under the direction of the Indian tribe that maintain public order.

(15) Law enforcement

The term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 2802 of title 25.

(16) Legal assistance

The term “legal assistance” includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or

protection or stay away order proceedings, and other similar matters; and

(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

(17) Linguistically and culturally specific services

The term “linguistically and culturally specific services” means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward underserved communities.

(18) Personally identifying information or personal information

The term “personally identifying information” or “personal information” means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

- (A) a first and last name;
- (B) a home or other physical address;
- (C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (D) a social security number; and
- (E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

(19) Prosecution

The term “prosecution” means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

(20) Protection order or restraining order

The term “protection order” or “restraining order” includes—

- (A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and
- (B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

(21) Rural area and rural community

The term “rural area” and “rural community” mean—

(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

(B) any area or community, respectively, that is—

- (i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and
- (ii) located in a rural census tract.

(22) Rural State

The term “rural State” means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

(23) Sexual assault

The term “sexual assault” means any conduct proscribed by chapter 109A of title 18, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

(24) Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

(25) State

The term “State” means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(26) State domestic violence coalition

The term “State domestic violence coalition” means a program determined by the Administration for Children and Families under sections 10402 and 10411 of this title.

(27) State sexual assault coalition

The term “State sexual assault coalition” means a program 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. 280b et seq.).

(28) Territorial domestic violence or sexual assault coalition

The term “territorial domestic violence or sexual assault coalition” means a program addressing domestic or sexual violence that is—

(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

(29) Tribal coalition

The term “tribal coalition” means—

(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native women; or

(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian or Alaska Native women.

(30) Tribal government

The term “tribal government” means—

(A) the governing body of an Indian tribe; or

(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, 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.

(31) Tribal nonprofit organization

The term “tribal nonprofit organization” means—

(A) a victim services provider that has as its primary purpose to assist Native victims of domestic violence, dating violence, sexual assault, or stalking; and

(B) staff and leadership of the organization must include persons with a demonstrated history of assisting American Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, or stalking.

(32) Tribal organization

The term “tribal organization” means—

(A) the governing body of any Indian tribe;

(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

(C) any tribal nonprofit organization.

(33) Underserved populations

The term “underserved populations” includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

(34) Victim advocate

The term “victim advocate” means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

(35) Victim assistant

The term “victim assistant” means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

(36) Victim services or victim service provider

The term “victim services” or “victim service provider” means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(37) Youth

The term “youth” means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

(b) Grant conditions**(1) Match**

No matching funds shall be required for any grant or subgrant made under this Act for—

(A) any tribe, territory, or victim service provider; or

(B) any other entity, including a State, that—

(i) petitions for a waiver of any match condition imposed by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development; and

(ii) whose petition for waiver is determined by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development to have adequately demonstrated the financial need of the petitioning entity.

(2) Nondisclosure of confidential or private information**(A) In general**

In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

(B) Nondisclosure

Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is

sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

(C) Release

If release of information described in subparagraph (B) is compelled by statutory or court mandate—

(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) Information sharing

Grantees and subgrantees may share—

(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

(E) Oversight

Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

(3) Approved activities

In carrying out the activities under this subchapter, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

(4) Non-supplantation

Any Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this subchapter.

(5) Use of funds

Funds authorized and appropriated under this subchapter may be used only for the specific purposes described in this subchapter and shall remain available until expended.

(6) Reports

An entity receiving a grant under this subchapter shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

(7) Evaluation

Federal agencies disbursing funds under this subchapter shall set aside up to 3 percent of such funds in order to conduct—

(A) evaluations of specific programs or projects funded by the disbursing agency under this subchapter or related research; or

(B) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.

(8) Nonexclusivity

Nothing in this subchapter shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this subchapter.

(9) Prohibition on tort litigation

Funds appropriated for the grant program under this subchapter may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph should not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

(10) Prohibition on lobbying

Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, relating to lobbying with appropriated moneys.

(11) Technical assistance

Of the total amounts appropriated under this subchapter, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this subchapter to improve the capacity of the grantees, subgrantees, and other entities. If there is a demonstrated history that the Office on Violence Against Women has previously set aside amounts greater than 8 percent for technical assistance and training relating to grant programs authorized under this subchapter, the Office has the authority to continue setting aside amounts greater than 8 percent.

(Pub. L. 103-322, title IV, § 40002, as added Pub. L. 109-162, § 3(a), Jan. 5, 2006, 119 Stat. 2964; amended Pub. L. 109-271, §§ 1(d)-(f), 2(e), Aug. 12, 2006, 120 Stat. 751, 752; Pub. L. 111-320, title II, § 202(d), Dec. 20, 2010, 124 Stat. 3509.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this title", meaning title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902, as amended, known as the Violence Against Women Act of 1994. For complete classification of title IV to the Code, see Short Title note set out under section 13701 of this title and Tables.

The Native American Housing Assistance and Self-Determination Act of 1996, referred to in subsec. (a)(12),

is Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, as amended, which is classified principally to chapter 43 (§4101 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of Title 25 and Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (a)(13), (30)(B), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Public Health Service Act, referred to in subsec. (a)(27), is act July 1, 1944, ch. 373, 58 Stat. 682, as amended, which is classified generally to chapter 6A (§ 201 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 201 of this title and Tables.

This Act, referred to in subsec. (b)(1), (2)(E), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

AMENDMENTS

2010—Subsec. (a)(26). Pub. L. 111-320 substituted “under sections 10402 and 10411 of this title” for “under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))”.

2006—Subsec. (a)(1). Pub. L. 109-271, §1(e)(1), substituted “Alaska Native” for “Alaskan”.

Subsec. (a)(23). Pub. L. 109-271, §1(d), substituted “proscribed” for “prescribed”.

Subsec. (a)(31) to (37). Pub. L. 109-271, §1(e)(2), (3), added par. (31) and redesignated former pars. (31) to (36) as (32) to (37), respectively.

Subsec. (b)(1). Pub. L. 109-271, §1(f), added par. (1) and struck out former par. (1) which read as follows: “No matching funds shall be required for a grant or subgrant made under this subchapter for any tribe, territory, victim service provider, or any entity that the Attorney General determines has adequately demonstrated financial need.”

Subsec. (b)(11). Pub. L. 109-271, §2(e), inserted “Of the total amounts appropriated under this subchapter, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this subchapter to improve the capacity of the grantees, subgrantees, and other entities.” before “If there is a demonstrated history”.

FINDINGS

Pub. L. 109-162, title II, §201, Jan. 5, 2006, 119 Stat. 2993, provided that: “Congress finds the following:

“(1) Nearly 1/3 of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

“(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

“(3) Rape and sexual assault in the United States is estimated to cost \$127,000,000,000 per year, including—

“(A) lost productivity;

“(B) medical and mental health care;

“(C) police and fire services;

“(D) social services;

“(E) loss of and damage to property; and

“(F) reduced quality of life.

“(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of non-stranger sexual assault.

“(5) Geographic isolation often compounds the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

“(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study

found that the perpetrator was a family member in 90 percent of cases.

“(7) Barriers for older victims leaving abusive relationships include—

“(A) the inability to support themselves;

“(B) poor health that increases their dependence on the abuser;

“(C) fear of being placed in a nursing home; and

“(D) ineffective responses by domestic abuse programs and law enforcement.

“(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

“(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

“(10) Of the 598 battered women’s programs surveyed—

“(A) only 35 percent of these programs offered disability awareness training for their staff; and

“(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

“(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

“(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.

“(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

“(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

“(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

“(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

“(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

“(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline’s ability to answer more calls quickly and effectively.”

Pub. L. 109-162, title III, §301, Jan. 5, 2006, 119 Stat. 3003, provided that: “Congress finds the following:

“(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

“(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 experience the highest rate of non-fatal intimate partner violence.

“(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

“(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

“(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

“(6) Only one State specifically allows for minors to petition the court for protection orders.

“(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

“(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

“(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim’s residence.

“(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.”

PART A—SAFE STREETS FOR WOMEN

SUBPART 1—SAFETY FOR WOMEN IN PUBLIC TRANSIT

§ 13931. Grants for capital improvements to prevent crime in public transportation

(a) General purpose

There is authorized to be appropriated not to exceed \$10,000,000, for the Secretary of Transportation (referred to in this section as the “Secretary”) to make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

(b) Grants for lighting, camera surveillance, and security phones

(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

(C) providing emergency phone lines to contact law enforcement or security personnel in

areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1)(A) and (B) of this section.

(c) Reporting

All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be compiled on the basis of the type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

(d) Increased Federal share

Notwithstanding any other provision of law, the Federal share under this section for each capital improvement project that enhances the safety and security of public transportation systems and that is not required by law (including any other provision of this Act) shall be 90 percent of the net project cost of the project.

(e) Special grants for projects to study increasing security for women

From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

(f) General requirements

All grants or loans provided under this section shall be subject to the same terms, conditions, requirements, and provisions applicable to grants and loans as specified in section 5321 of title 49.

(Pub. L. 103-322, title IV, §40131, Sept. 13, 1994, 108 Stat. 1916.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (d), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

SUBPART 2—ASSISTANCE TO VICTIMS OF SEXUAL ASSAULT

§ 13941. Training programs

(a) In general

The Attorney General, after consultation with victim advocates and individuals who have expertise in treating sex offenders, shall establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex offenders in the areas of—

- (1) case management;
- (2) supervision; and
- (3) relapse prevention.

(b) Training programs

The Attorney General shall ensure, to the extent practicable, that training programs developed under subsection (a) of this section are available in geographically diverse locations throughout the country.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2007 through 2011.

(Pub. L. 103-322, title IV, §40152, Sept. 13, 1994, 108 Stat. 1920; Pub. L. 109-162, title I, §108, title XI, §1167, Jan. 5, 2006, 119 Stat. 2984, 3121; Pub. L. 109-271, §2(a), (b), Aug. 12, 2006, 120 Stat. 751, 752.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-271, §2(b), which directed amendment of section 1167 of the Violence Against Women Act of 2005, Pub. L. 109-162, by substituting “2007 through 2011” for “2006 through 2010”, was executed to subsec. (c) of this section, which is section 40152 of the Violence Against Women Act of 1994, as amended by section 1167 of Pub. L. 109-162, to reflect the probable intent of Congress. See below.

Pub. L. 109-162, §1167, added subsec. (c) and struck out heading and text of former subsec. (c) which authorized appropriations to carry out this section for fiscal years 1996 and 1997.

Pub. L. 109-162, §108, which directed the striking of subsec. (c) and the insertion of a new subsec. (c), authorizing appropriations to carry out this section for fiscal years 2007 through 2011, was repealed by Pub. L. 109-271, §2(a).

§ 13942. Confidentiality of communications between sexual assault or domestic violence victims and their counselors**(a) Study and development of model legislation**

The Attorney General shall—

(1) study and evaluate the manner in which the States have taken measures to protect the confidentiality of communications between sexual assault or domestic violence victims and their therapists or trained counselors;

(2) develop model legislation that will provide the maximum protection possible for the confidentiality of such communications, within any applicable constitutional limits, taking into account the following factors:

(A) the danger that counseling programs for victims of sexual assault and domestic violence will be unable to achieve their goal of helping victims recover from the trauma associated with these crimes if there is no assurance that the records of the counseling sessions will be kept confidential;

(B) consideration of the appropriateness of an absolute privilege for communications between victims of sexual assault or domestic violence and their therapists or trained counselors, in light of the likelihood that such an absolute privilege will provide the maximum guarantee of confidentiality but also in light of the possibility that such an absolute privilege may be held to violate the rights of criminal defendants under the Federal or State constitutions by denying them the opportunity to obtain exculpatory evidence and present it at trial; and

(C) consideration of what limitations on the disclosure of confidential communica-

tions between victims of these crimes and their counselors, short of an absolute privilege, are most likely to ensure that the counseling programs will not be undermined, and specifically whether no such disclosure should be allowed unless, at a minimum, there has been a particularized showing by a criminal defendant of a compelling need for records of such communications, and adequate procedural safeguards are in place to prevent unnecessary or damaging disclosures; and

(3) prepare and disseminate to State authorities the findings made and model legislation developed as a result of the study and evaluation.

(b) Report and recommendations

Not later than the date that is 1 year after September 13, 1994, the Attorney General shall report to the Congress—

(1) the findings of the study and the model legislation required by this section; and

(2) recommendations based on the findings on the need for and appropriateness of further action by the Federal Government.

(c) Review of Federal evidentiary rules

The Judicial Conference of the United States shall evaluate and report to Congress its views on whether the Federal Rules of Evidence should be amended, and if so, how they should be amended, to guarantee that the confidentiality of communications between sexual assault victims and their therapists or trained counselors will be adequately protected in Federal court proceedings.

(Pub. L. 103-322, title IV, §40153, Sept. 13, 1994, 108 Stat. 1921.)

REFERENCES IN TEXT

The Federal Rules of Evidence, referred to in subsec. (c), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

§ 13943. Information programs

The Attorney General shall compile information regarding sex offender treatment programs and ensure that information regarding community treatment programs in the community into which a convicted sex offender is released is made available to each person serving a sentence of imprisonment in a Federal penal or correctional institution for a commission of an offense under chapter 109A of title 18 or for the commission of a similar offense, including halfway houses and psychiatric institutions.

(Pub. L. 103-322, title IV, §40154, Sept. 13, 1994, 108 Stat. 1922.)

PART B—SAFE HOMES FOR WOMEN

SUBPART 1—CONFIDENTIALITY FOR ABUSED PERSONS

§ 13951. Confidentiality of abused person's address**(a) Regulations**

Not later than 90 days after September 13, 1994, the United States Postal Service shall pro-

mulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses.

(b) Requirements

The regulations under subsection (a) of this section shall require—

(1) in the case of an individual, the presentation to an appropriate postal official of a valid, outstanding protection order; and

(2) in the case of a domestic violence shelter, the presentation to an appropriate postal authority of proof from a State domestic violence coalition that meets the requirements of section 10410¹ of this title verifying that the organization is a domestic violence shelter.

(c) Disclosure for certain purposes

The regulations under subsection (a) of this section shall not prohibit the disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes.

(d) Existing compilations

Compilations of addresses existing at the time at which order is presented to an appropriate postal official shall be excluded from the scope of the regulations under subsection (a) of this section.

(Pub. L. 103-322, title IV, §40281, Sept. 13, 1994, 108 Stat. 1938.)

REFERENCES IN TEXT

Section 10410 of this title, referred to in subsec. (b)(2), was generally amended by Pub. L. 111-320, title II, §201, Dec. 20, 2010, 124 Stat. 3497, and, as so amended, no longer contains provisions relating to grants for State domestic violence coalitions. See section 10411 of this title.

SUBPART 2—DATA AND RESEARCH

§ 13961. Research agenda

(a) Request for contract

The Attorney General shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice, and direct services to victims and experts on domestic violence in diverse, ethnic, social, and language minority communities and the social sciences. In setting the agenda, the Academy shall focus primarily on preventive, educative, social, and legal strategies, including addressing the needs of underserved populations.

(b) Declination of request

If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Attorney General shall carry out subsection (a) of this section through the

nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) Report

The Attorney General shall ensure that no later than 1 year after September 13, 1994, the study required under subsection (a) of this section is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(Pub. L. 103-322, title IV, §40291, Sept. 13, 1994, 108 Stat. 1939.)

DEVELOPMENT OF RESEARCH AGENDA IDENTIFIED BY THE VIOLENCE AGAINST WOMEN ACT OF 1994

Pub. L. 106-386, div. B, title IV, §1404, Oct. 28, 2000, 114 Stat. 1514, provided that:

“(a) IN GENERAL.—The Attorney General shall—

“(1) direct the National Institute of Justice, in consultation and coordination with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a research agenda based on the recommendations contained in the report entitled ‘Understanding Violence Against Women’ of the National Academy of Sciences; and

“(2) not later than 1 year after the date of the enactment of this Act [Oct. 28, 2000], in consultation with the Secretary of the Department of Health and Human Services, submit to Congress a report which shall include—

“(A) a description of the research agenda developed under paragraph (1) and a plan to implement that agenda; and

“(B) recommendations for priorities in carrying out that agenda to most effectively advance knowledge about and means by which to prevent or reduce violence against women.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”

§ 13962. State databases

(a) In general

The Attorney General shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of sexual and domestic violence offenses within a State.

(b) Consultation

In conducting its study, the Attorney General shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services to victims of domestic violence. The final report shall set forth the views of the persons consulted on the recommendations.

(c) Report

The Attorney General shall ensure that no later than 1 year after September 13, 1994, the study required under subsection (a) of this section is completed and a report describing the findings made is submitted to the Committees on the Judiciary of the Senate and the House of Representatives.

¹ See References in Text note below.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$200,000 for fiscal year 1996.

(Pub. L. 103-322, title IV, § 40292, Sept. 13, 1994, 108 Stat. 1939.)

§ 13963. Number and cost of injuries**(a) Study**

The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out this section—\$100,000 for fiscal year 1996.

(Pub. L. 103-322, title IV, § 40293, Sept. 13, 1994, 108 Stat. 1940.)

CHANGE OF NAME

Centers for Disease Control changed to Centers for Disease Control and Prevention by Pub. L. 102-531, title III, § 312, Oct. 27, 1992, 106 Stat. 3504.

SUBPART 3—RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT

§ 13971. Rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance**(a) Purposes**

The purposes of this section are—

(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

- (A) domestic violence, dating violence, sexual assault, and stalking victim service providers;
- (B) law enforcement agencies;
- (C) prosecutors;
- (D) courts;
- (E) other criminal justice service providers;
- (F) human and community service providers;
- (G) educational institutions; and
- (H) health care providers;

(2) to establish and expand nonprofit, non-governmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

(3) to increase the safety and well-being of women and children in rural communities, by—

- (A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and
- (B) creating and implementing strategies to increase awareness and prevent domestic

violence, sexual assault, dating violence, and stalking.

(b) Grants authorized

The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the “Director”), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities, including assistance in immigration matters; and

(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

(c) Use of funds

Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a) of this section.

(d) Allotments and priorities**(1) Allotment for Indian tribes****(A) 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 program authorized by section 3796gg-10 of this title.

(B) Applicability of part¹

The requirements of this section shall not apply to funds allocated for the program described in subparagraph (A).

(2) Allotment for sexual assault**(A) In general**

Not less than 25 percent of the total amount appropriated in a fiscal year under this section shall fund services that meaningfully address sexual assault in rural communities, however at such time as the amounts appropriated reach the amount of \$45,000,000, the percentage allocated shall rise to 30 percent of the total amount appropriated, at such time as the amounts appropriated reach the amount of \$50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and at such time as the amounts appropriated reach the amount of \$55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

¹ So in original. Probably should be “section”.

(B) Multiple purpose applications

Nothing in this section shall prohibit any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

(3) Allotment for technical assistance

Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs. Of the amounts appropriated in this subsection, no less than 25 percent of such amounts shall be available to a nonprofit, nongovernmental organization or organizations whose focus and expertise is in addressing sexual assault to provide technical assistance to sexual assault grantees.

(4) Underserved populations

In awarding grants under this section, the Director shall give priority to the needs of underserved populations.

(5) Allocation of funds for rural States

Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

(e) Authorization of appropriations**(1) In general**

There are authorized to be appropriated \$55,000,000 for each of the fiscal years 2007 through 2011 to carry out this section.

(2) Additional funding

In addition to funds received through a grant under subsection (b) of this section, a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.

(Pub. L. 103-322, title IV, §40295, Sept. 13, 1994, 108 Stat. 1940; Pub. L. 106-386, div. B, title I, §§1105, 1109(d), title V, §1512(c), Oct. 28, 2000, 114 Stat. 1497, 1503, 1533; Pub. L. 109-162, title II, §203, title IX, §906(d), Jan. 5, 2006, 119 Stat. 2998, 3081; Pub. L. 109-271, §7(b)(1), (2)(A), Aug. 12, 2006, 120 Stat. 764.)

REFERENCES IN TEXT

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (e)(2), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended. Part Q of title I of the Act is classified generally to subchapter XII-E (§3796dd et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

AMENDMENTS

2006—Pub. L. 109-162, §203, amended section generally, substituting provisions relating to rural domestic violence, dating violence, sexual assault, stalking, and child abuse enforcement assistance for provisions relating to rural domestic violence and child abuse enforcement assistance.

Subsec. (c)(3). Pub. L. 109-162, §906(d), which directed the amendment of subsec. (c) by striking par. (3) and inserting a new par. (3) which read “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.”, was repealed by Pub. L. 109-271, §7(b)(2)(A).

Subsec. (d)(1). Pub. L. 109-271, §7(b)(1), added par. (1) and struck out former par. (1) which read as follows: “Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.”

2000—Subsec. (a)(1). Pub. L. 106-386, §1109(d)(1), inserted “and dating violence (as defined in section 3796gg-2 of this title)” after “domestic violence”.

Subsec. (a)(2). Pub. L. 106-386, §1512(c), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “to provide treatment and counseling to victims of domestic violence and dating violence (as defined in section 3796gg-2 of this title) and child abuse; and”.

Pub. L. 106-386, §1109(d)(2), inserted “and dating violence (as defined in section 3796gg-2 of this title)” after “domestic violence”.

Subsec. (c)(1). Pub. L. 106-386, §1105(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “There are authorized to be appropriated to carry out this section—

“(A) \$7,000,000 for fiscal year 1996;

“(B) \$8,000,000 for fiscal year 1997; and

“(C) \$15,000,000 for fiscal year 1998.”

Subsec. (c)(3). Pub. L. 106-386, §1105(2), added par. (3).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by 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 3793 of this title.

SUBPART 3A—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

CODIFICATION

This subpart was, in the original, chapter 11 of subtitle B of title IV of Pub. L. 103-322, and has been designated as subpart 3a of this part for purposes of codification. Another chapter 11 of subtitle B of title IV of Pub. L. 103-322 was designated subpart 4 of this part.

§ 13973. Research on effective interventions in the health care setting**(a) Purpose**

The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

(b) Use of funds

Research conducted with amounts received under a grant or contract under this section shall include the following:

(1) With respect to the authority of the Centers for Disease Control and Prevention—

(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating, or sexual violence, on health behaviors, health conditions, and the health status of individuals, families, and populations;

(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

(C) measure the comparative effectiveness and outcomes of efforts under this Act to reduce violence and increase women's safety.

(2) With respect to the authority of the Agency for Healthcare Research and Quality—

(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic violence, dating violence, and childhood exposure to domestic and dating violence, sexual violence and stalking and childhood exposure; and

(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

(c) Use of data

Research funded under this section shall be utilized by eligible entities under section 280g-4¹ of this title.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2007 through 2011.

(Pub. L. 103-322, title IV, § 40297, as added Pub. L. 109-162, title V, § 505, Jan. 5, 2006, 119 Stat. 3029.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1)(C), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

Section 280g-4 of this title, referred to in subsec. (c), was in the original "section 3990 of the Public Health Service Act", and was translated as referring to the section 3990 of the Public Health Service Act added by Pub. L. 109-162, § 504, to reflect the probable intent of Congress. Another section 3990 of the Public Health Service Act is classified to section 280g-3 of this title.

SUBPART 4—TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR CHILD VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR SEXUAL ASSAULT

CODIFICATION

This subpart was, in the original, chapter 11 of subtitle B of title IV of Pub. L. 103-322, and has been designated as subpart 4 of this part for purposes of codification. Another chapter 11 of subtitle B of title IV of Pub. L. 103-322 was designated subpart 3a of this part.

§ 13975. Transitional housing assistance grants for child victims of domestic violence, stalking, or sexual assault

(a) In general

The Attorney General, acting in consultation with the Director of the Violence Against Women Office of the Department of Justice, the Department of Housing and Urban Development, and the Department of Health and Human Services, shall award grants under this section to States, units of local government, Indian tribes, and other organizations, including domestic vio-

lence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking (referred to in this section as the "recipient") to carry out programs to provide assistance to minors, adults, and their dependents—

(1) who are homeless, or in need of transitional housing or other housing assistance, as a result of fleeing a situation of domestic violence, dating violence, sexual assault, or stalking; and

(2) for whom emergency shelter services or other crisis intervention services are unavailable or insufficient.

(b) Grants

Grants awarded under this section may be used for programs that provide—

(1) transitional housing, including funding for the operating expenses of newly developed or existing transitional housing;¹

(2) short-term housing assistance, including rental or utilities payments assistance and assistance with related expenses such as payment of security deposits and other costs incidental to relocation to transitional housing for persons described in subsection (a) of this section; and

(3) support services designed to enable a minor, an adult, or a dependent of such minor or adult, who is fleeing a situation of domestic violence, dating violence, sexual assault, or stalking to—

(A) locate and secure permanent housing; and

(B) integrate into a community by providing that minor, adult, or dependent with services, such as transportation, counseling, child care services, case management, employment counseling, and other assistance. Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.

(c) Duration

(1) In general

Except as provided in paragraph (2), a minor, an adult, or a dependent, who receives assistance under this section shall receive that assistance for not more than 24 months.

(2) Waiver

The recipient of a grant under this section may waive the restriction under paragraph (1) for not more than an additional 6 month period with respect to any minor, adult, or dependent, who—

(A) has made a good-faith effort to acquire permanent housing; and

(B) has been unable to acquire permanent housing.

¹ See References in Text note below.

¹ So in original. The period probably should be a semicolon.

(d) Application**(1) In general**

Each eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) Contents

Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) of this section are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and

(C) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(3) Application

Nothing in this subsection shall be construed to require—

(A) victims to participate in the criminal justice system in order to receive services; or

(B) domestic violence advocates to breach client confidentiality.

(e) Report to the Attorney General**(1) In general**

A recipient of a grant under this section shall annually prepare and submit to the Attorney General a report describing—

(A) the number of minors, adults, and dependents assisted under this section; and

(B) the types of housing assistance and support services provided under this section.

(2) Contents

Each report prepared and submitted pursuant to paragraph (1) shall include information regarding—

(A) the purpose and amount of housing assistance provided to each minor, adult, or dependent, assisted under this section and the reason for that assistance;

(B) the number of months each minor, adult, or dependent, received assistance under this section;

(C) the number of minors, adults, and dependents who—

(i) were eligible to receive assistance under this section; and

(ii) were not provided with assistance under this section solely due to a lack of available housing;

(D) the type of support services provided to each minor, adult, or dependent, assisted under this section; and

(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources.

(f) Report to Congress**(1) Reporting requirement**

The Attorney General, with the Director of the Violence Against Women Office, shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.

(2) Availability of report

In order to coordinate efforts to assist the victims of domestic violence, the Attorney General, in coordination with the Director of the Violence Against Women Office, shall transmit a copy of the report submitted under paragraph (1) to—

(A) the Office of Community Planning and Development at the United States Department of Housing and Urban Development; and

(B) the Office of Women's Health at the United States Department of Health and Human Services.

(g) Authorization of appropriations**(1) In general**

There are authorized to be appropriated to carry out this section \$40,000,000 for each of the fiscal years 2007 through 2011.

(2) Limitations

Of the amount made available to carry out this section in any fiscal year, up to 5 percent may be used by the Attorney General for evaluation, monitoring, technical assistance, salaries and administrative expenses.

(3) Minimum amount**(A) In general**

Except as provided in subparagraph (B), unless all eligible applications submitted by any States, units of local government, Indian tribes, or organizations within a State for a grant under this section have been funded, that State, together with the grantees within the State (other than Indian tribes), shall be allocated in each fiscal year, not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

(B) Exception

The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section.

(C) Underserved populations

(i) INDIAN TRIBES.—

(I) 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 program authorized by section 3796gg-10 of this title.

(II) APPLICABILITY OF PART.—²The requirements of this section shall not apply

² So in original. Probably should be "section".

to funds allocated for the program described in subclause (I).

(ii) Priority shall be given to projects developed under subsection (b) of this section that primarily serve underserved populations.

(Pub. L. 103-322, title IV, § 40299, as added Pub. L. 108-21, title VI, § 611, Apr. 30, 2003, 117 Stat. 693; Pub. L. 109-162, § 3(b)(4), title VI, § 602(a), title IX, § 906(e), formerly § 906(f), title XI, § 1135(e), Jan. 5, 2006, 119 Stat. 2971, 3038, 3081, 3109, renumbered § 906(e), Pub. L. 109-271, § 7(b)(2)(B), Aug. 12, 2006, 120 Stat. 764; amended Pub. L. 109-271, §§ 2(d), 7(c)(1), 8(b), Aug. 12, 2006, 120 Stat. 752, 764-766.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-162, § 602(a)(1)(A), (B), in introductory provisions, inserted “the Department of Housing and Urban Development, and the Department of Health and Human Services,” after “Department of Justice,” and “, including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, non-governmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking” after “other organizations”.

Subsec. (a)(1). Pub. L. 109-162, § 602(a)(1)(C), inserted “, dating violence, sexual assault, or stalking” after “domestic violence”.

Subsec. (b)(1). Pub. L. 109-162, § 602(a)(2)(C), added par. (1). Former par. (1) redesignated (2).

Subsec. (b)(2). Pub. L. 109-162, § 602(a)(2)(A), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Subsec. (b)(3). Pub. L. 109-162, § 602(a)(2)(A), (B), redesignated par. (2) as (3) and inserted “, dating violence, sexual assault, or stalking” after “violence” in introductory provisions.

Subsec. (b)(3)(B). Pub. L. 109-162, § 602(a)(2)(D), inserted “Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.” at end.

Subsec. (c)(1). Pub. L. 109-162, § 602(a)(3), substituted “24 months” for “18 months”.

Subsec. (d)(2)(B), (C). Pub. L. 109-162, § 602(a)(4), added subpar. (B) and redesignated former subpar. (B) as (C).

Subsec. (e)(2)(A). Pub. L. 109-162, § 602(a)(5)(A), inserted “purpose and” before “amount”.

Subsec. (e)(2)(E). Pub. L. 109-162, § 602(a)(5)(B)-(D), added subpar. (E).

Subsec. (f)(1). Pub. L. 109-162, § 1135(e), which directed an amendment substantially identical to that made by Pub. L. 109-162, § 3(b)(4), was repealed by Pub. L. 109-271, §§ 2(d) and 8(b).

Pub. L. 109-162, § 3(b)(4), substituted “shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section not later than 1 month after the end of each even-numbered fiscal year.” for “shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in the report submitted under subsection (e) of this section.”

Subsec. (g)(1). Pub. L. 109-162, § 602(a)(6)(A)-(C), substituted “\$40,000,000” for “\$30,000,000”, “2007” for “2004”, and “2011” for “2008”.

Subsec. (g)(2). Pub. L. 109-162, § 602(a)(6)(D), (E), substituted “up to 5 percent” for “not more than 3 per-

cent” and inserted “evaluation, monitoring, technical assistance,” before “salaries”.

Subsec. (g)(3)(C). Pub. L. 109-162, § 602(a)(6)(F), added subpar. (C).

Subsec. (g)(3)(C)(i). Pub. L. 109-271, § 7(c)(1)(A), added cl. (i) and struck out former cl. (i) which read as follows: “A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.”

Subsec. (g)(4). Pub. L. 109-271, § 7(c)(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.”

Pub. L. 109-162, § 906(e), formerly § 906(f), as renumbered by Pub. L. 109-271, § 7(b)(2)(B), added par. (4).

TRANSFER OF FUNCTIONS

Functions of Office on Women’s Health of the Public Health Service exercised prior to Mar. 23, 2010, transferred to Office on Women’s Health established under section 237a of this title, see section 3509(a)(2) of Pub. L. 111-148, set out as a note under section 237a of this title.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by sections 602(a) and 906(e) 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 3793 of this title.

PART C—CIVIL RIGHTS FOR WOMEN

§ 13981. Civil rights

(a) Purpose

Pursuant to the affirmative power of Congress to enact this part under section 5 of the Fourteenth Amendment to the Constitution, as well as under section 8 of Article I of the Constitution, it is the purpose of this part to protect the civil rights of victims of gender motivated violence and to promote public safety, health, and activities affecting interstate commerce by establishing a Federal civil rights cause of action for victims of crimes of violence motivated by gender.

(b) Right to be free from crimes of violence

All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d) of this section).

(c) Cause of action

A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) of this section shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) Definitions

For purposes of this section—

(1) the term “crime of violence motivated by gender” means a crime of violence committed because of gender or on the basis of gender, and due, at least in part, to an animus based on the victim’s gender; and

(2) the term “crime of violence” means—¹

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) Limitation and procedures

(1) Limitation

Nothing in this section entitles a person to a cause of action under subsection (c) of this section for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d) of this section).

(2) No prior criminal action

Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c) of this section.

(3) Concurrent jurisdiction

The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this part.

(4) Supplemental jurisdiction

Neither section 1367 of title 28 nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(Pub. L. 103-322, title IV, §40302, Sept. 13, 1994, 108 Stat. 1941.)

REFERENCES IN TEXT

This part, referred to in subsecs. (a) and (e)(3), was in the original “this subtitle”, meaning subtitle C of title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1941, which enacted this part, amended section 1988 of this title and section 1445 of Title 28, Judiciary and Judicial Procedure, and enacted provisions set out as a note under section 13701 of this title. For complete classification of this subtitle to the Code, see Short Title note set out under section 13701 of this title and Tables.

CODIFICATION

Section is comprised of section 40302 of Pub. L. 103-322. Subsec. (e)(5) of section 40302 of Pub. L. 103-322 amended section 1445 of Title 28, Judiciary and Judicial Procedure.

¹So in original. The word “means” probably should appear after “(A)” below.

SHORT TITLE

For short title of this part as the “Civil Rights Remedies for Gender-Motivated Violence Act”, see section 40301 of Pub. L. 103-322, set out as a note under section 13701 of this title.

CONSTITUTIONALITY

For decision holding this section unconstitutional, see *United States v. Morrison*, 529 U.S. 598, 120 S. Ct. 1740, 146 L. Ed. 2d 658 (2000).

PART D—EQUAL JUSTICE FOR WOMEN IN COURTS

SUBPART 1—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS

§ 13991. Grants authorized

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States (as defined in section 10701 of this title) in training judges and court personnel in the laws of the States and by Indian tribes in training tribal judges and court personnel in the laws of the tribes on rape, sexual assault, domestic violence, dating violence, and other crimes of violence motivated by the victim’s gender. Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.

(Pub. L. 103-322, title IV, §40411, Sept. 13, 1994, 108 Stat. 1942; Pub. L. 106-386, div. B, title IV, §1406(c)(2), (d)(1), Oct. 28, 2000, 114 Stat. 1516.)

AMENDMENTS

2000—Pub. L. 106-386 inserted “dating violence,” after “domestic violence,” and “Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States.” at end.

SHORT TITLE

For short title of this part as the “Equal Justice for Women in the Courts Act of 1994”, see section 40401 of Pub. L. 103-322, set out as a note under section 13701 of this title.

§ 13992. Training provided by grants

Training provided pursuant to grants made under this part may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of

witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence and dating violence (as defined in section 3796gg-2¹ of this title);

(11) the physical, psychological, and economic impact of domestic violence and dating violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence and dating violence, myths about presence or absence of domestic violence and dating violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or dating violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence or dating violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence and dating violence cases;

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims;

(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways

domestic violence may relate to an abuser's desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault;²

(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice;³

(Pub. L. 103-322, title IV, §40412, Sept. 13, 1994, 108 Stat. 1943; Pub. L. 106-386, div. B, title IV, §1406(a)(1), (d)(2), Oct. 28, 2000, 114 Stat. 1515, 1517.)

REFERENCES IN TEXT

Section 3796gg-2 of this title, referred to in par. (10), was subsequently repealed and a new section 3796gg-2 enacted which does not define the terms "domestic violence" or "dating violence". However, such terms are defined in section 13925 of this title.

AMENDMENTS

2000—Par. (10). Pub. L. 106-386, §1406(d)(2)(A), inserted "and dating violence (as defined in section 3796gg-2 of this title)" before the semicolon.

Par. (11). Pub. L. 106-386, §1406(d)(2)(B), inserted "and dating violence" after "domestic violence".

Par. (13). Pub. L. 106-386, §1406(d)(2)(C), inserted "and dating violence" after "domestic violence" in two places.

Par. (17). Pub. L. 106-386, §1406(d)(2)(D), inserted "or dating violence" after "domestic violence" in two places.

Par. (18). Pub. L. 106-386, §1406(d)(2)(E), inserted "and dating violence" after "domestic violence".

Pars. (20) to (22). Pub. L. 106-386, §1406(a)(1), added pars. (20) to (22).

§ 13993. Cooperation in developing programs in making grants under this part

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this part are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, including national, State, tribal, and local domestic violence and sexual assault programs and coalitions, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

(Pub. L. 103-322, title IV, §40413, Sept. 13, 1994, 108 Stat. 1944; Pub. L. 106-386, div. B, title IV, §1406(c)(1), Oct. 28, 2000, 114 Stat. 1516.)

AMENDMENTS

2000—Pub. L. 106-386 inserted "including national, State, tribal, and local domestic violence and sexual assault programs and coalitions" after "victim advocates".

§ 13994. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this subpart \$600,000 for fiscal year

¹ See References in Text note below.

² So in original. Probably should be followed by "and".

³ So in original. The semicolon probably should be a period.

1996 and \$1,500,000 for each of the fiscal years 2001 through 2005.

(b) Model programs

Of amounts appropriated under this section, the State Justice Institute shall expend not less than 40 percent on model programs regarding domestic violence and not less than 40 percent on model programs regarding rape and sexual assault.

(c) State Justice Institute

The State Justice Institute may use up to 5 percent of the funds appropriated under this section for annually compiling and broadly disseminating (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable the replication and adoption of the projects.

(Pub. L. 103-322, title IV, § 40414, Sept. 13, 1994, 108 Stat. 1944; Pub. L. 106-386, div. B, title IV, § 1406(a)(2), (c)(3), Oct. 28, 2000, 114 Stat. 1516.)

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-386, § 1406(a)(2), inserted “and \$1,500,000 for each of the fiscal years 2001 through 2005” after “1996”.

Subsec. (c). Pub. L. 106-386, § 1406(c)(3), added subsec. (c).

SUBPART 2—EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS

§ 14001. Authorization of circuit studies; education and training grants

(a) Studies

In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits and to implement recommended reforms.

(b) Matters for examination

The studies under subsection (a) of this section may include an examination of the effects of gender on—

- (1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;
- (2) the interpretation and application of the law, both civil and criminal;
- (3) treatment of defendants in criminal cases;
- (4) treatment of victims of violent crimes in judicial proceedings;
- (5) sentencing;
- (6) sentencing alternatives and the nature of supervision of probation and parole;
- (7) appointments to committees of the Judicial Conference and the courts;
- (8) case management and court sponsored alternative dispute resolution programs;
- (9) the selection, retention, promotion, and treatment of employees;
- (10) appointment of arbitrators, experts, and special masters;
- (11) the admissibility of the victim's past sexual history in civil and criminal cases; and

(12) the aspects of the topics listed in section 13992 of this title that pertain to issues within the jurisdiction of the Federal courts.

(c) Clearinghouse

The Administrative Office of the United States Courts shall act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) of this section and to respond to requests for such reports and materials. The gender bias task forces shall provide the Administrative Office of the Courts of the United States¹ with their reports and related material.

(d) Continuing education and training programs

The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 13992 of this title that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.

(Pub. L. 103-322, title IV, § 40421, Sept. 13, 1994, 108 Stat. 1944; Pub. L. 106-386, div. B, title IV, § 1406(b)(1), Oct. 28, 2000, 114 Stat. 1516.)

AMENDMENTS

2000—Subsec. (d). Pub. L. 106-386 amended heading and text of subsec. (d) generally, substituting provisions relating to continuing education and training programs for provisions relating to model programs.

§ 14002. Authorization of appropriations

There are authorized to be appropriated—

(1) to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services to carry out section 14001(a) of this title \$500,000 for fiscal year 1996;

(2) to the Federal Judicial Center to carry out section 14001(d) of this title \$100,000 for fiscal year 1996 and \$500,000 for each of the fiscal years 2001 through 2005; and

(3) to the Administrative Office of the United States Courts to carry out section 14001(c) of this title \$100,000 for fiscal year 1996.

(Pub. L. 103-322, title IV, § 40422, Sept. 13, 1994, 108 Stat. 1945; Pub. L. 106-386, div. B, title IV, § 1406(b)(2), Oct. 28, 2000, 114 Stat. 1516.)

AMENDMENTS

2000—Par. (2). Pub. L. 106-386 inserted “and \$500,000 for each of the fiscal years 2001 through 2005” after “1996”.

PART E—VIOLENCE AGAINST WOMEN ACT
IMPROVEMENTS

§ 14011. Payment of cost of testing for sexually transmitted diseases

(a) Omitted

(b) Limited testing of defendants

(1) Court order

The victim of an offense of the type referred to in subsection (a)¹ of this section may ob-

¹ So in original. Probably should be “Administrative Office of the United States Courts”.

¹ See Codification note below.

tain an order in the district court of the United States for the district in which charges are brought against the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

(2) Showing required

To obtain an order under paragraph (1), the victim must demonstrate that—

(A) the defendant has been charged with the offense in a State or Federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

(3) Follow-up testing

The court may order follow-up tests and counseling under paragraph (1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

(4) Termination of testing requirements

An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a)¹ of this section.

(5) Confidentiality of test

The results of any test ordered under this subsection shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results only to any medical professional, counselor, family member or sexual partner(s) the victim may have had since the attack. Any such individual to whom the test results are disclosed by the victim shall maintain the confidentiality of such information.

(6) Disclosure of test results

The court shall issue an order to prohibit the disclosure by the victim of the results of any test performed under this subsection to anyone other than those mentioned in paragraph (5). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

(7) Contempt for disclosure

Any person who discloses the results of a test in violation of this subsection may be held in contempt of court.

(c) Penalties for intentional transmission of HIV

Not later than 6 months after September 13, 1994, the United States Sentencing Commission shall conduct a study and prepare and submit to the committees² on the Judiciary of the Senate and the House of Representatives a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

(Pub. L. 103-322, title IV, § 40503, Sept. 13, 1994, 108 Stat. 1946; Pub. L. 104-294, title VI, § 604(b)(1), Oct. 11, 1996, 110 Stat. 3506.)

CODIFICATION

Section is comprised of section 40503 of Pub. L. 103-322. Subsec. (a) of section 40503 of Pub. L. 103-322 amended section 10607 of this title. Subsec. (c) of section 40503 of Pub. L. 103-322 also enacted provisions listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1996—Subsec. (b)(3). Pub. L. 104-294 substituted “paragraph (1)” for “paragraph (b)(1)”.

CHANGE OF NAME

Centers for Disease Control changed to Centers for Disease Control and Prevention by Pub. L. 102-531, title III, § 312, Oct. 27, 1992, 106 Stat. 3504.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of Title 18, Crimes and Criminal Procedure.

§ 14012. National baseline study on campus sexual assault

(a) Study

The Attorney General, in consultation with the Secretary of Education, shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) Report

Based on the study required by subsection (a) of this section and data collected under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the alle-

² So in original. Probably should be capitalized.

gations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) in conjunction with the report produced by the Department of Education in coordination with institutions of education under the Student Right-To-Know and Campus Security Act (20 U.S.C. 1001 note; Public Law 101-542) and amendments made by that Act, an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject

of the study and report required by this section.

(c) Submission of report

The report required by subsection (b) of this section shall be submitted to the Congress no later than September 1, 1996.

(d) "Campus sexual assaults" defined

For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) Authorization of appropriations

There are authorized to be appropriated to carry out the study required by this section—\$200,000 for fiscal year 1996.

(Pub. L. 103-322, title IV, §40506, Sept. 13, 1994, 108 Stat. 1948.)

REFERENCES IN TEXT

The Student Right-To-Know and Campus Security Act, referred to in subsec. (b), is Pub. L. 101-542, Nov. 8, 1990, 104 Stat. 2381, as amended, which amended sections 1085, 1092, 1094, and 1232g of Title 20, Education, and enacted provisions set out as notes under sections 1001 and 1092 of Title 20. For complete classification of this Act to the Code, see Short Title of 1990 Amendments note set out under section 1001 of Title 20 and Tables.

§ 14013. Report on battered women's syndrome

(a) Report

Not less than 1 year after September 13, 1994, the Attorney General and the Secretary of Health and Human Services shall transmit to the House Committee on Energy and Commerce, the Senate Committee on Labor and Human Resources, and the Committees on the Judiciary of the Senate and the House of Representatives a report on the medical and psychological basis of "battered women's syndrome" and on the extent to which evidence of the syndrome has been considered in criminal trials.

(b) Components

The report under subsection (a) of this section shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State, tribal, and Federal court cases in which evidence of battered women's syndrome was offered in criminal trials; and

(3) an assessment by State, tribal, and Federal judges, prosecutors, and defense attorneys of the effects that evidence of battered women's syndrome may have in criminal trials.

(Pub. L. 103-322, title IV, §40507, Sept. 13, 1994, 108 Stat. 1949.)

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and ex-

changes and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

§ 14014. Report on confidentiality of addresses for victims of domestic violence

(a) Report

The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) Use of components

The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

(Pub. L. 103-322, title IV, § 40508, Sept. 13, 1994, 108 Stat. 1950.)

§ 14015. Report on recordkeeping relating to domestic violence

Not later than 1 year after September 13, 1994, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

(Pub. L. 103-322, title IV, § 40509, Sept. 13, 1994, 108 Stat. 1950.)

§ 14016. Enforcement of statutory rape laws

(a) Sense of Senate

It is the sense of the Senate that States and local jurisdictions should aggressively enforce statutory rape laws.

(b) Justice Department program on statutory rape

Not later than January 1, 1997, the Attorney General shall establish and implement a program that—

(1) studies the linkage between statutory rape and teenage pregnancy, particularly by predatory older men committing repeat offenses; and

(2) educates State and local criminal law enforcement officials on the prevention and prosecution of statutory rape, focusing in particular on the commission of statutory rape by predatory older men committing repeat offenses, and any links to teenage pregnancy.

(c) Violence against women initiative

The Attorney General shall ensure that the Department of Justice's Violence Against Women initiative addresses the issue of statutory rape, particularly the commission of statutory rape by predatory older men committing repeat offenses.

(Pub. L. 104-193, title IX, § 906, Aug. 22, 1996, 110 Stat. 2349.)

CODIFICATION

Section was enacted as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

PART F—NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION

§ 14031. Grant program

(a) In general

The Attorney General is authorized to provide grants to States and units of local government to improve and implement processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

(b) Eligibility

To be eligible to receive a grant under subsection (a) of this section, a State or unit of local government shall certify that it has or intends to establish a program that enters into the National Crime Information Center records of—

(1) warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;

(2) arrests or convictions of persons violating protection¹ or domestic violence; and

(3) protection orders for the protection of persons from stalking or domestic violence.

(Pub. L. 103-322, title IV, § 40602, Sept. 13, 1994, 108 Stat. 1951; Pub. L. 106-386, div. B, title I, § 1106(b), Oct. 28, 2000, 114 Stat. 1497.)

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-386 inserted “and implement” after “improve”.

§ 14032. Authorization of appropriations

There is authorized to be appropriated to carry out this part \$3,000,000 for each of fiscal years 2007 through 2011.

(Pub. L. 103-322, title IV, § 40603, Sept. 13, 1994, 108 Stat. 1951; Pub. L. 106-386, div. B, title I,

¹ So in original. Probably should be followed by “orders intended to protect victims from stalking”.

§1106(a), Oct. 28, 2000, 114 Stat. 1497; Pub. L. 109-162, title I, §109, Jan. 5, 2006, 119 Stat. 2984.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle F of title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1950, which enacted this part, amended section 534 of Title 28, Judiciary and Judicial Procedure, and enacted provisions set out as a note under section 534 of Title 28.

AMENDMENTS

2006—Pub. L. 109-162, §109(2), which directed substitution of “2011” for “2006”, was executed by substituting “2011” for “2005” to reflect the probable intent of Congress, because “2006” does not appear in text.

Pub. L. 109-162, §109(1), substituted “2007” for “2001”.
2000—Pub. L. 106-386 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this part—

“(1) \$1,500,000 for fiscal year 1996;

“(2) \$1,750,000 for fiscal year 1997; and

“(3) \$2,750,000 for fiscal year 1998.”

§ 14033. Application requirements

An application for a grant under this part shall be submitted in such form and manner, and contain such information, as the Attorney General may prescribe. In addition, applications shall include documentation showing—

(1) the need for grant funds and that State or local funding, as the case may be, does not already cover these operations;

(2) intended use of the grant funds, including a plan of action to increase record input; and

(3) an estimate of expected results from the use of the grant funds.

(Pub. L. 103-322, title IV, §40604, Sept. 13, 1994, 108 Stat. 1951.)

§ 14034. Disbursement

Not later than 90 days after the receipt of an application under this part, the Attorney General shall either provide grant funds or shall inform the applicant why grant funds are not being provided.

(Pub. L. 103-322, title IV, §40605, Sept. 13, 1994, 108 Stat. 1952.)

§ 14035. Technical assistance, training, and evaluations

The Attorney General may provide technical assistance and training in furtherance of the purposes of this part, and may provide for the evaluation of programs that receive funds under this part, in addition to any evaluation requirements that the Attorney General may prescribe for grantees. The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, or through contracts or other arrangements with other entities.

(Pub. L. 103-322, title IV, §40606, Sept. 13, 1994, 108 Stat. 1952.)

§ 14036. Training programs for judges

The State Justice Institute, after consultation with nationally recognized nonprofit organizations with expertise in stalking and domestic

violence cases, shall conduct training programs for State (as defined in section 10701¹ of this title) and Indian tribal judges to ensure that a judge issuing an order in a stalking or domestic violence case has all available criminal history and other information, whether from State or Federal sources.

(Pub. L. 103-322, title IV, §40607, Sept. 13, 1994, 108 Stat. 1952.)

REFERENCES IN TEXT

Section 10701 of this title, referred to in text, was in the original “section 202 of the State Justice Institute Authorization Act of 1984”, and was translated as reading “section 202 of the State Justice Institute Act of 1984”, which is section 202 of Pub. L. 98-620, to reflect the probable intent of Congress.

§ 14037. Recommendations on intrastate communication

The State Justice Institute, after consultation with nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in stalking and domestic violence cases, shall recommend proposals regarding how State courts may increase intrastate communication between civil and criminal courts.

(Pub. L. 103-322, title IV, §40608, Sept. 13, 1994, 108 Stat. 1952.)

§ 14038. Inclusion in National Incident-Based Reporting System

Not later than 2 years after September 13, 1994, the Attorney General, in accordance with the States, shall compile data regarding domestic violence and intimidation (including stalking) as part of the National Incident-Based Reporting System (NIBRS).

(Pub. L. 103-322, title IV, §40609, Sept. 13, 1994, 108 Stat. 1952.)

§ 14039. Report to Congress

Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides information concerning the incidence of stalking and domestic violence, and evaluates the effectiveness of State antistalking efforts and legislation.

(Pub. L. 103-322, title IV, §40610, Sept. 13, 1994, 108 Stat. 1952; Pub. L. 109-162, §3(b)(1), title XI, §1135(a), Jan. 5, 2006, 119 Stat. 2971, 3108; Pub. L. 109-271, §2(d), 8(b), Aug. 12, 2006, 120 Stat. 752, 766.)

AMENDMENTS

2006—Pub. L. 109-162, §1135(a), which directed an amendment substantially identical to that directed by Pub. L. 109-162, §3(b)(1), was repealed by Pub. L. 109-271.

Pub. L. 109-162, §3(b)(1), which directed the substitution of “Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides” for “The Attorney General shall submit to the Congress an annual report, beginning 1 year after September 13, 1994, that provides”, was executed by making the substitution for “The Attorney General shall submit to the Congress an annual report,

¹ See References in Text note below.

beginning one year after September 13, 1994, that provides”, to reflect the probable intent of Congress.

REPORT RELATING TO STALKING LAWS

Pub. L. 105-119, title I, §115(b)(2), Nov. 26, 1997, 111 Stat. 2467, provided that: “The Attorney General shall include in an annual report under section 40610 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14039) information concerning existing or proposed State laws and penalties for stalking crimes against children.”

§ 14040. Definitions

As used in this part—

(1) the term “national crime information databases” refers to the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(2) the term “protection order” includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

(Pub. L. 103-322, title IV, §40611, Sept. 13, 1994, 108 Stat. 1952.)

PART G—ELDER ABUSE, NEGLECT, AND EXPLOITATION, INCLUDING DOMESTIC VIOLENCE AND SEXUAL ASSAULT AGAINST OLDER OR DISABLED INDIVIDUALS

CODIFICATION

This part was, in the original, subtitle H of title IV of Pub. L. 103-322, as added by Pub. L. 106-386, and has been redesignated as part G of this subchapter for purposes of codification.

§ 14041. Definitions

In this part:

(1) **In general**

The terms “elder abuse, neglect, and exploitation”, and “older individual” have the meanings given the terms in section 3002 of this title.

(2) **Domestic violence**

The term “domestic violence” has the meaning given such term by section 3796gg-2¹ of this title.

(3) **Sexual assault**

The term “sexual assault” has the meaning given the term in section 3796gg-2¹ of this title.

(Pub. L. 103-322, title IV, §40801, as added Pub. L. 106-386, div. B, title II, §1209(a), Oct. 28, 2000, 114 Stat. 1508.)

REFERENCES IN TEXT

Section 3796gg-2 of this title, referred to in pars. (2) and (3), was subsequently repealed and a new section

¹ See References in Text note below.

3796gg-2 enacted which does not define the terms “domestic violence” or “sexual assault”. However, such terms are defined in section 13925 of this title.

§ 14041a. Enhanced training and services to end violence against and abuse of women later in life

(a) **Grants authorized**

The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—

(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking against victims who are 50 years of age or older;

(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking, who are 50 years of age or older;

(3) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older; and

(4) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older.

(b) **Eligible entities**

An entity shall be eligible to receive a grant under this section if the entity is—

(1) a State;

(2) a unit of local government;

(3) an Indian tribal government or tribal organization; or

(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking.

(c) **Underserved populations**

In awarding grants under this section, the Director shall ensure that services are culturally and linguistically relevant and that the needs of underserved populations are being addressed.

(Pub. L. 103-322, title IV, §40802, as added Pub. L. 106-386, div. B, title II, §1209(a), Oct. 28, 2000, 114 Stat. 1509; amended Pub. L. 109-162, title II, §205(a), Jan. 5, 2006, 119 Stat. 3002.)

AMENDMENTS

2006—Pub. L. 109-162 amended section catchline and text generally. Prior to amendment, text read as follows: “The Attorney General may make grants for training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State,

tribal, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.”

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by 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 3793 of this title.

§ 14041b. Authorization of appropriations

There are authorized to be appropriated to carry out this part \$10,000,000 for each of the fiscal years 2007 through 2011.

(Pub. L. 103-322, title IV, § 40803, as added Pub. L. 106-386, div. B, title II, § 1209(a), Oct. 28, 2000, 114 Stat. 1509; amended Pub. L. 109-162, title II, § 205(b), Jan. 5, 2006, 119 Stat. 3002.)

AMENDMENTS

2006—Pub. L. 109-162 substituted “\$10,000,000 for each of the fiscal years 2007 through 2011” for “\$5,000,000 for each of fiscal years 2001 through 2005”.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by 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 3793 of this title.

PART H—DOMESTIC VIOLENCE TASK FORCE

CODIFICATION

This part was, in the original, subtitle I of title IV of Pub. L. 103-322, as added by Pub. L. 106-386, and has been redesignated as part H of this subchapter for purposes of codification.

§ 14042. Task force

(a) Establish

The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

(b) Uses of funds

Funds appropriated under this section shall be used to—

- (1) develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;
- (2) track and report all Federal research and expenditures on domestic violence; and
- (3) identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.

(c) Report

The Task Force shall report to Congress annually on its work under subsection (b) of this section.

(d) Definition

For purposes of this section, the term “domestic violence” has the meaning given such term by section 3796gg-2¹ of this title.

¹ See References in Text note below.

(e) Authorization of Appropriations

There is authorized to be appropriated to carry out this section \$500,000 for each of fiscal years 2001 through 2004.

(Pub. L. 103-322, title IV, § 40901, as added Pub. L. 106-386, div. B, title IV, § 1407, Oct. 28, 2000, 114 Stat. 1517.)

REFERENCES IN TEXT

Section 3796gg-2 of this title, referred to in subsec. (d), was subsequently repealed and a new section 3796gg-2 enacted which does not define “domestic violence”. However, such term is defined in section 13925 of this title.

STUDY OF STATE LAWS REGARDING INSURANCE DISCRIMINATION AGAINST VICTIMS OF VIOLENCE AGAINST WOMEN

Pub. L. 106-386, div. B, title II, § 1206, Oct. 28, 2000, 114 Stat. 1507, directed the Attorney General to conduct a national study to identify State laws that address insurance discrimination against victims of domestic violence and sexual assault and to submit to Congress a report and recommendations based on that study not later than 1 year after Oct. 28, 2000.

STUDY OF WORKPLACE EFFECTS FROM VIOLENCE AGAINST WOMEN

Pub. L. 106-386, div. B, title II, § 1207, Oct. 28, 2000, 114 Stat. 1507, directed the Attorney General to conduct a national survey of programs to assist employers and employees on appropriate responses in the workplace to victims of domestic violence, stalking, or sexual assault, and not later than 18 months after Oct. 28, 2000, to submit to Congress a report and recommendations based on that survey.

STUDY OF UNEMPLOYMENT COMPENSATION FOR VICTIMS OF VIOLENCE AGAINST WOMEN

Pub. L. 106-386, div. B, title II, § 1208, Oct. 28, 2000, 114 Stat. 1508, directed the Secretary of Labor, in consultation with the Attorney General, to conduct a national study to identify the impact of State unemployment compensation laws on victims of domestic violence when the victim’s separation from employment is a direct result of the domestic violence and to submit to Congress a report and recommendations based on that study not later than 1 year after Oct. 28, 2000.

PART I—VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS

CODIFICATION

This part was, in the original, subtitle J of title IV of Pub. L. 103-322, as added by Pub. L. 109-162, and has been redesignated as part I of this subchapter for purposes of codification.

§ 14043. Purpose

The purpose of this part is to enable the Attorney General, though¹ the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—

- (1) improved internal civil and criminal court functions, responses, practices, and procedures;
- (2) education for court-based and court-related personnel on issues relating to victims’ needs, including safety, security, privacy, confidentiality, and economic independence, as

¹ So in original. Probably should be “through”.

well as information about perpetrator behavior and best practices for holding perpetrators accountable;

(3) collaboration and training with Federal, State, tribal, territorial, and local public agencies and officials and nonprofit, non-governmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

(4) enabling courts or court-based or court-related programs to develop new or enhance current—

(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);

(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);

(C) offender management, monitoring, and accountability programs;

(D) safe and confidential information-storage and -sharing databases within and between court systems;

(E) education and outreach programs to improve community access, including enhanced access for underserved populations; and

(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

(Pub. L. 103-322, title IV, §41002, as added Pub. L. 109-162, title I, §105(a), Jan. 5, 2006, 119 Stat. 2979.)

SHORT TITLE

For short title of this part as the “Violence Against Women Act Court Training and Improvements Act of 2005”, see section 41001 of Pub. L. 103-322, set out as a note under section 13701 of this title.

§ 14043a. Grant requirements

Grants awarded under this part shall be subject to the following conditions:

(1) Eligible grantees

Eligible grantees may include—

(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

(B) national, State, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

(2) Conditions of eligibility

To be eligible for a grant under this section, applicants shall certify in writing that—

(A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

(B) any education program developed under section 14043 of this title has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

(C) the grantee’s internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

(Pub. L. 103-322, title IV, §41003, as added Pub. L. 109-162, title I, §105(a), Jan. 5, 2006, 119 Stat. 2980.)

§ 14043a-1. National education curricula

(a) In general

The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

(b) Eligible entities

Any curricula developed under this section—

(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

(Pub. L. 103-322, title IV, §41004, as added Pub. L. 109-162, title I, §105(a), Jan. 5, 2006, 119 Stat. 2980.)

§ 14043a-2. Tribal curricula

(a) In general

The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

(b) Eligible entities

Any curricula developed under this section—

(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

(Pub. L. 103-322, title IV, §41005, as added Pub. L. 109-162, title I, §105(a), Jan. 5, 2006, 119 Stat. 2981.)

§ 14043a-3. Authorization of appropriations

(a) In general

There is authorized to be appropriated to carry out this part \$5,000,000 for each of fiscal years 2007 to 2011.

(b) Availability

Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this part.

(c) Set aside

(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 program authorized by section 3796gg-10 of this title.

(2) Applicability of part ¹

The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).

(Pub. L. 103-322, title IV, §41006, as added Pub. L. 109-162, title I, §105(a), Jan. 5, 2006, 119 Stat. 2981; amended Pub. L. 109-271, §7(c)(2), Aug. 12, 2006, 120 Stat. 765.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-271 added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for tribal courts, tribal court-related programs, and tribal nonprofits.”

PART J—PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING

CODIFICATION

This part was, in the original, subtitle K of title IV of Pub. L. 103-322, as added by Pub. L. 109-162, and has been redesignated as part J of this subchapter for purposes of codification.

§ 14043b. Grants to protect the privacy and confidentiality of victims of domestic violence, dating violence, sexual assault, and stalking

The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this part to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

(Pub. L. 103-322, title IV, §41101, as added Pub. L. 109-162, title I, §107, Jan. 5, 2006, 119 Stat. 2983.)

§ 14043b-1. Purpose areas

Grants made under this part may be used—

¹ So in original. Probably should be “section”.

(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

(Pub. L. 103-322, title IV, §41102, as added Pub. L. 109-162, title I, §107, Jan. 5, 2006, 119 Stat. 2983.)

§ 14043b-2. Eligible entities

Entities eligible for grants under this part include—

(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

(3) States or State agencies;

(4) local governments or agencies;

(5) Indian tribal governments or tribal organizations;

(6) territorial governments, agencies, or organizations; or

(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

(Pub. L. 103-322, title IV, §41103, as added Pub. L. 109-162, title I, §107, Jan. 5, 2006, 119 Stat. 2983.)

§ 14043b-3. Grant conditions

Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

(Pub. L. 103-322, title IV, §41104, as added Pub. L. 109-162, title I, §107, Jan. 5, 2006, 119 Stat. 2984.)

REFERENCES IN TEXT

Paragraph (1) and paragraphs (3) through (6), referred to in text, probably mean paragraphs (1) and (3) through (6) of section 14043b-2 of this title.

§ 14043b-4. Authorization of appropriations**(a) In general**

There is authorized to be appropriated to carry out this part \$5,000,000 for each of fiscal years 2007 through 2011.

(b) Tribal allocation

Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants to Indian tribes for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault.

(c) Technical assistance and training

Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.

(Pub. L. 103-322, title IV, §41105, as added Pub. L. 109-162, title I, §107, Jan. 5, 2006, 119 Stat. 2984.)

PART K—SERVICES, EDUCATION, PROTECTION AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

CODIFICATION

This part was, in the original, subtitle L of title IV of Pub. L. 103-322, as added by Pub. L. 109-162, and has been redesignated as part K of this subchapter for purposes of codification.

§ 14043c. Services to advocate for and respond to youth**(a) Grants authorized**

The Attorney General, in consultation with the Department of Health and Human Services, shall award grants to eligible entities to conduct programs to serve youth victims of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c) of this section.

(b) Eligible grantees

To be eligible to receive a grant under this section, an entity shall be—

- (1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;
- (2) a community-based organization specializing in intervention or violence prevention services for youth;
- (3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or
- (4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

(c) Use of funds**(1) In general**

An entity that receives a grant under this section shall use amounts provided under the

grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

(2) Types of programs

Such a program—

(A) shall provide direct counseling and advocacy for youth and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

(B) shall include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations;

(C) may include mental health services for youth and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

(D) may include legal advocacy efforts on behalf of youth and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

(d) Awards basis**(1) Grants to Indian tribes**

Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

(2) Administration

The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

(3) Technical assistance

Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

(e) Term

The Attorney General shall make the grants under this section for a period of 3 fiscal years.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$15,000,000 for each of fiscal years 2007 through 2011.

(Pub. L. 103-322, title IV, §41201, as added Pub. L. 109-162, title III, §303, Jan. 5, 2006, 119 Stat. 3004.)

§ 14043c-1. Access to justice for youth**(a) Purpose**

It is the purpose of this section to encourage cross training and collaboration between the

courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

(b) Grant authority

(1) In general

The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the “Director”), shall make grants to eligible entities to carry out the purposes of this section.

(2) Grant periods

Grants shall be awarded under this section for a period of 2 fiscal years.

(3) Eligible entities

To be eligible for a grant under this section, a grant applicant shall establish a collaboration that—

(A) shall include a victim service provider that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people;

(B) shall include a court or law enforcement agency partner; and

(C) may include—

(i) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders;

(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and underserved communities;

(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

(iv) faith-based entities that deal with the concerns and problems faced by youth;

(v) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act [42 U.S.C. 1395 et seq.], including providers that target the special needs of youth;

(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens;

(vii) Indian Health Service, tribal child protective services, the Bureau of Indian Affairs, or the Federal Bureau of Investigation;¹ or

(viii) law enforcement agencies of the Bureau of Indian Affairs providing tribal law enforcement.

(c) Uses of funds

An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts—

(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

(2) to establish and enhance linkages and collaboration between—

(A) domestic violence and sexual assault service providers; and

(B) where applicable, law enforcement agencies, courts, Federal agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of abuse, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions—

(i) to respond effectively and comprehensively to the varying needs of young victims of abuse;

(ii) to include linguistically, culturally, and community relevant services for underserved populations or linkages to existing services in the community tailored to the needs of underserved populations; and

(iii) to include where appropriate legal assistance, referral services, and parental support;

(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against teens and young adults and meet the needs of young victims of violence; and

(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

(d) Grant applications

To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) of this section shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(e) Priority

In awarding grants under this section, the Director shall give priority to entities that have

¹ So in original. Probably should be “Investigation;”.

submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

(f) Distribution

In awarding grants under this section—

(1) not less than 10 percent of funds appropriated under this section in any year shall be available to Indian tribal governments to establish and maintain collaborations involving the appropriate tribal justice and social services departments or domestic violence or sexual assault service providers, the purpose of which is to provide culturally appropriate services to American Indian women or youth;

(2) the Director shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

(3) the Attorney General of the United States shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

(g) Dissemination of information

Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Congress, and make widely available, including through electronic means, summaries that contain information on—

(1) the activities implemented by the recipients of the grants awarded under this section; and

(2) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

(A) the staffs of courts;

(B) domestic violence, dating violence, sexual assault, and stalking victim service providers; and

(C) law enforcement agencies and community organizations.

(h) Authorization of appropriations

There are authorized to be appropriated to carry out this section, \$5,000,000 in each of fiscal years 2007 through 2011.

(Pub. L. 103-322, title IV, §41202, as added Pub. L. 109-162, title III, §303, Jan. 5, 2006, 119 Stat. 3005.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(3)(C)(v), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XVIII of the Act is classified generally to subchapter XVIII (§1395 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

§ 14043c-2. Grants for training and collaboration on the intersection between domestic violence and child maltreatment

(a) Purpose

The purpose of this section is to support efforts by child welfare agencies, domestic violence or dating violence victim services providers, courts, law enforcement, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

(b) Grants authorized

The Secretary of the Department of Health and Human Services (in this section referred to as the “Secretary”), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2007 through 2011. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—

(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

(2) set aside not more than 7 percent for grants to Indian tribes to develop programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

(d) Underserved populations

In awarding grants under this section, the Secretary shall consider the needs of underserved populations.

(e) Grant awards

The Secretary shall award grants under this section for periods of not more than 2 fiscal years.

(f) Uses of funds

Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to

families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g) of this section.

(g) Programs and activities

The programs and activities developed under this section shall—

(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

(B) domestic violence or dating violence in child protection cases; and

(C) the needs of both the child and non-abusing parent;

(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers;

(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of certain populations in the court and child welfare system; and

(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult and youth victims and their children, legal assistance and advocacy for adult and youth victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to underserved populations, and other necessary supportive services.

(h) Grantee requirements

(1) Applications

Under this section, an entity shall prepare and submit to the Secretary an application at

such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

(2) Eligible entities

To be eligible for a grant under this section, an entity shall be a collaboration that—

(A) shall include a State or local child welfare agency or Indian Tribe;

(B) shall include a domestic violence or dating violence victim service provider;

(C) shall include a law enforcement agency or Bureau of Indian Affairs providing tribal law enforcement;

(D) may include a court; and

(E) may include any other such agencies or private nonprofit organizations and faith-based organizations, including community-based organizations, with the capacity to provide effective help to the child and adult victims served by the collaboration.

(Pub. L. 103-322, title IV, § 41203, as added Pub. L. 109-162, title III, § 303, Jan. 5, 2006, 119 Stat. 3008.)

§ 14043c-3. Grants to combat domestic violence, dating violence, sexual assault, and stalking in middle and high schools

(a) Short title

This section may be cited as the “Supporting Teens through Education and Protection Act of 2005” or the “STEP Act”.

(b) Grants authorized

The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and refer-

ral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3) of this section, for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(c) Award basis

The Director shall award grants and contracts under this section on a competitive basis.

(d) Policy dissemination

The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

(e) Nondisclosure of confidential or private information

In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian, except that consent for release may not be given by the abuser of the minor or of the other parent of the minor) about

whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

(f) Grant term and allocation

(1) Term

The Director shall make the grants under this section for a period of 3 fiscal years.

(2) Allocation

Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4), (b)(5), and (b)(6) of this section.

(g) Distribution

(1) In general

Not less than 5 percent of funds appropriated under subsection (l) of this section in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent Native American.

(2) Administration

The Director shall not use more than 5 percent of funds appropriated under subsection (l) of this section in any year for administration, monitoring and evaluation of grants made available under this section.

(3) Training, technical assistance, and data collection

Not less than 5 percent of funds appropriated under subsection (l) of this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(h) Application

To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3) of this section, shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

(i) Eligible entities

To be eligible to receive a grant under this section, an entity shall be a partnership that—

(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20

U.S.C. 921, a group of schools, or a school district;

(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

(j) Priority

In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

(k) Reporting and dissemination of information

(1) Reporting

Each of the entities that are members of the applicant partnership described in subsection (i) of this section, that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

(2) Dissemination of information

Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

(l) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2007 through 2011.

(2) Availability

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

(Pub. L. 103-322, title IV, § 41204, as added Pub. L. 109-162, title III, § 303, Jan. 5, 2006, 119 Stat. 3010; amended Pub. L. 109-271, § 4(a), Aug. 12, 2006, 120 Stat. 758.)

AMENDMENTS

2006—Subsec. (f)(2). Pub. L. 109-271 substituted “(b)(4)” for “(b)(4)(D)”.

PART L—STRENGTHENING AMERICA’S FAMILIES BY PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN

CODIFICATION

This part was, in the original, subtitle M of title IV of Pub. L. 103-322, as added by Pub. L. 109-162, and has been redesignated as part L of this subchapter for purposes of codification.

§ 14043d. Findings

Congress finds that—

(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;

(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;

(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child’s violent behavior;

(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

(5) a child’s exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;

(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one’s needs met and managing conflict in close relationships;

(7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and

(8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

(Pub. L. 103-322, title IV, § 41301, as added Pub. L. 109-162, title IV, § 401, Jan. 5, 2006, 119 Stat. 3017.)

§ 14043d-1. Purpose

The purpose of this part is to—

(1) prevent crimes involving violence against women, children, and youth;

(2) increase the resources and services available to prevent violence against women, children, and youth;

(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

(6) encourage collaboration among community-based organizations and governmental

agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

(Pub. L. 103-322, title IV, § 41302, as added Pub. L. 109-162, title IV, § 401, Jan. 5, 2006, 119 Stat. 3018.)

§ 14043d-2. Grants to assist children and youth exposed to violence

(a) Grants authorized

(1) In general

The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

(2) Term

The Director shall make grants under this section for a period of 2 fiscal years.

(3) Award basis

The Director shall award grants—

(A) considering the needs of underserved populations;

(B) awarding not less than 10 percent of such amounts to Indian tribes for the funding of tribal projects from the amounts made available under this section for a fiscal year;

(C) awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

(D) awarding not less than 66 percent to programs described in subsection (c)(1) of this section from the amounts made available under this section for a fiscal year.

(b) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2007 through 2011.

(c) Use of funds

The funds appropriated under this section shall be used for—

(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the non-abusing parent or the child's caretaker; or

(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence,

dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

(d) Eligible entities

To be eligible to receive a grant under this section, an entity shall be a—¹

(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

(e) Grantee requirements

Under this section, an entity shall—

(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

(B) ensure linguistically, culturally, and community relevant services for underserved communities.

(Pub. L. 103-322, title IV, § 41303, as added Pub. L. 109-162, title IV, § 401, Jan. 5, 2006, 119 Stat. 3018.)

§ 14043d-3. Development of curricula and pilot programs for home visitation projects

(a) Grants authorized

(1) In general

The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

(2) Term

The Director shall make the grants under this section for a period of 2 fiscal years.

¹ So in original. The article probably should not appear.

(3) Award basis

The Director shall—

(A) consider the needs of underserved populations;

(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

(b) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$7,000,000 for each of fiscal years 2007 through 2011.

(c) Eligible entities

To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

(d) Grantee requirements

Under this section, an entity shall—

(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(2) describe in the application the policies and procedures that the entity has or will adopt to—

(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

(B) ensure linguistically, culturally, and community relevant services for underserved communities;

(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

(i) safely screen for and/or recognize domestic violence, dating violence, sexual assault, and stalking;

(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

(iii) link new parents with existing community resources in communities where resources exist; and

(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

(Pub. L. 103-322, title IV, § 41304, as added Pub. L. 109-162, title IV, § 401, Jan. 5, 2006, 119 Stat. 3020.)

§ 14043d-4. Engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking**(a) Grants authorized****(1) In general**

The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

(2) Term

The Director shall make grants under this section for a period of 2 fiscal years.

(3) Award basis

The Director shall award grants—

(A) considering the needs of underserved populations;

(B) awarding not less than 10 percent of such amounts for the funding of Indian tribes from the amounts made available under this section for a fiscal year; and

(C) awarding up to 8 percent for the funding of technical assistance for grantees and non-grantees working in this area from the amounts made available under this section for a fiscal year.

(b) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2007 through 2011.

(c) Use of funds**(1) Programs**

The funds appropriated under this section shall be used by eligible entities—

(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

(ii) that¹ include at a minimum—

(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

(II) strategies to help participants be as safe as possible; or

(B) to create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have ex-

¹ So in original. The word “that” probably should not appear.

perience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

(2) Media limits

No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

(d) Eligible entities

(1) Relationships

Eligible entities under subsection (c)(1)(A) of this section are—

(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

(D) a program that provides culturally specific services.

(2) Awareness campaign

Eligible entities under subsection (c)(1)(B) of this section are—

(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

(e) Grantee requirements

Under this section, an entity shall—

(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(2) eligible entities pursuant to subsection (c)(1)(A) of this section shall describe in the application the policies and procedures that the entity has or will adopt to—

(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

(B) ensure linguistically, culturally, and community relevant services for underserved communities;

(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.

(Pub. L. 103-322, title IV, §41305, as added Pub. L. 109-162, title IV, §401, Jan. 5, 2006, 119 Stat. 3021.)

PART M—ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

CODIFICATION

This part was, in the original, subtitle N of title IV of Pub. L. 103-322, as added by Pub. L. 109-162, and has been redesignated as part M of this subchapter for purposes of codification.

§ 14043e. Findings

Congress finds that:

(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

(2) Ninety-two percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current ad-

dress, all of which are necessary to obtain long-term permanent housing.

(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

(Pub. L. 103-322, title IV, § 41401, as added Pub. L. 109-162, title VI, § 601, Jan. 5, 2006, 119 Stat. 3030.)

§ 14043e-1. Purpose

The purpose of this part is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, tribally designated housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;

(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

(3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

(4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

(Pub. L. 103-322, title IV, § 41402, as added Pub. L. 109-162, title VI, § 601, Jan. 5, 2006, 119 Stat. 3031.)

§ 14043e-2. Definitions

For purposes of this part—

(1) the term “assisted housing” means housing assisted—

(A) under sections¹ 1715e, 1715k, 1715l(d)(3), 1715l(d)(4), 1715n(e), 1715v, or 1715z-1 of title 12;

(B) under section 1701s of title 12;

(C) under section 1701q of title 12;

(D) under section 811 of the Cranston-Gonzales² National Affordable Housing Act (42 U.S.C. 8013);

(E) under title II of the Cranston-Gonzales² National Affordable Housing Act [42 U.S.C. 12721 et seq.];

(F) under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(G) under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

(H) under section 1437f of this title;

(2) the term “continuum of care” means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

(3) the term “low-income housing assistance voucher” means housing assistance described in section 1437f of this title;

(4) the term “public housing” means housing described in section 1437a(b)(1) of this title;

(5) the term “public housing agency” means an agency described in section 1437a(b)(6) of this title;

(6) the terms “homeless”, “homeless individual”, and “homeless person”—

(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

(B) includes—

(i) an individual who—

(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

(III) is living in an emergency or transitional shelter;

(IV) is abandoned in a hospital; or

(V) is awaiting foster care placement;

(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

(iii) migratory children (as defined in section 6399 of title 20) who qualify as homeless under this section because the children are living in circumstances described in this paragraph;

(7) the term “homeless service provider” means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness;

(8) the term “tribally designated housing” means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

¹ So in original. Probably should be “section”.

² So in original. Probably should be “Cranston-Gonzalez”.

(9) the term “tribally designated housing entity” means a housing entity described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(21));³ (Pub. L. 103-322, title IV, § 41403, as added Pub. L. 109-162, title VI, § 601, Jan. 5, 2006, 119 Stat. 3031.)

REFERENCES IN TEXT

The Cranston-Gonzalez National Affordable Housing Act, referred to in par. (1)(E), (F), is Pub. L. 101-625, Nov. 28, 1990, 104 Stat. 4079, as amended. Title II of the Act, known as the HOME Investment Partnerships Act, is classified principally to subchapter II (§12721 et seq.) of chapter 130 of this title. Subtitle D of title VIII of the Act, known as the AIDS Housing Opportunity Act, is classified generally to chapter 131 (§12901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 12701 of this title and Tables.

The Housing and Community Development Act of 1974, referred to in par. (1)(G), is Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633, as amended. Title I of the Act is classified principally to chapter 69 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

The Native American Housing Assistance and Self-Determination Act of 1996, referred to in pars. (8) and (9), is Pub. L. 104-330, Oct. 26, 1996, 110 Stat. 4016, which is classified principally to chapter 43 (§4101 et seq.) of Title 25, Indians. Par. (21) of section 4103 of Title 25 was redesignated par. (22) by Pub. L. 110-411, §3(2), Oct. 14, 2008, 122 Stat. 4320. For complete classification of this Act to the Code, see Short Title note set out under section 4101 of Title 25 and Tables.

§ 14043e-3. Collaborative grants to increase the long-term stability of victims

(a) Grants authorized

(1) In general

The Secretary of Health and Human Services, acting through the Administration for Children and Families, in partnership with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term sustainability and self-sufficiency options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

(2) Amount

The Secretary of Health and Human Services shall award funds in amounts—

- (A) not less than \$25,000 per year; and
- (B) not more than \$1,000,000 per year.

(b) Eligible entities

To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

- (1) shall include a domestic violence victim service provider;
- (2) shall include—
 - (A) a homeless service provider;
 - (B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

(3) may include a dating violence, sexual assault, or stalking victim service provider;

(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

(5) may include a public housing agency or tribally designated housing entity;

(6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

(8) may include a State, tribal, territorial, or local government or government agency; and

(9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

(c) Application

Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

(d) Use of funds

Funds awarded to eligible entities under subsection (a) of this section shall be used to design or replicate and implement new activities, services, and programs to increase the stability and self-sufficiency of, and create partnerships to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless. Such activities, services, or programs—

(1) shall develop sustainable long-term living solutions in the community by—

(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

(B) assisting with the placement of individuals and families in long-term housing; and

(C) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

(2) may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

(3) may use funds for the administrative expenses related to the continuing operation, up-

³ So in original. The semicolon probably should be a period.

keep, maintenance, and use of housing described in paragraph (2); and

(4) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

(e) Limitation

Funds provided under paragraph¹ (a) shall not be used for construction, modernization or renovation.

(f) Underserved populations and priorities

In awarding grants under this section, the Secretary of Health and Human Services shall—

(1) give priority to linguistically and culturally specific services;

(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3) of this section; and

(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

(g) Definitions

For purposes of this section:

(1) Affordable housing

The term “affordable housing” means housing that complies with the conditions set forth in section 12745 of this title.

(2) Long-term housing

The term “long-term housing” means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

(A) rented or owned by the individual;

(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

(h) Evaluation, monitoring, administration, and technical assistance

For purposes of this section—

(1) up to 5 percent of the funds appropriated under subsection (i) of this section for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

(2) up to 8 percent of the funds appropriated under subsection (i) of this section for each fiscal year may be used to provide technical assistance to grantees under this section.

(i) Authorization of appropriations

There are authorized to be appropriated \$10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(Pub. L. 103-322, title IV, § 41404, as added Pub. L. 109-162, title VI, § 601, Jan. 5, 2006, 119 Stat. 3033; amended Pub. L. 109-271, § 5(a), Aug. 12, 2006, 120 Stat. 759.)

¹ So in original. Probably should be “subsection”.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-271, § 5(a)(1), substituted “for Children” for “of Children”.

Subsec. (d). Pub. L. 109-271, § 5(a)(2), struck out “(1) IN GENERAL.—” before “Funds awarded to”, inserted “Such activities, services, or programs—” after “becoming homeless.”, substituted “(1)” for “(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1)”, redesignated pars. (3) to (5) as (2) to (4), respectively, and substituted “paragraph (2)” for “paragraph (3)” in par. (3), as so redesignated.

§ 14043e-4. Grants to combat violence against women in public and assisted housing

(a) Purpose

It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

(1) education and training of eligible entities;

(2) development and implementation of appropriate housing policies and practices;

(3) enhancement of collaboration with victim service providers and tenant organizations; and

(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

(b) Grants authorized

(1) In general

The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice (“Director”), and in consultation with the Secretary of Housing and Urban Development (“Secretary”), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families (“ACYF”), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

(2) Amounts

Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

(3) Award basis

The Attorney General shall award grants and contracts under this section on a competitive basis.

(4) Limitation

Appropriated funds may only be used for the purposes described in subsection (f) of this section.

(c) Eligible grantees

(1) In general

Eligible grantees are—

(A) public housing agencies;

(B) principally managed public housing resident management corporations, as determined by the Secretary;

(C) public housing projects owned by public housing agencies;

(D) tribally designated housing entities; and

(E) private, for-profit, and nonprofit owners or managers of assisted housing.

(2) Submission required for all grantees

To receive assistance under this section, an eligible grantee shall certify that—

(A) its policies and practices do not prohibit or limit a resident's right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

(C) it does not discriminate against any person—

(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e) of this section, states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

(d) Application

Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

(e) Certification

(1) In general

A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

(2) Contents

An individual may satisfy the certification requirement of paragraph (1) by—

(A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

(B) producing a Federal, State, tribal, territorial, or local police or court record.

(3) Limitation

Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing agency, assisted housing provider, tribally designated housing entity, owner, or manager may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

(4) Confidentiality

(A) In general

All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by such agency, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

(i) requested or consented to by the individual in writing; or

(ii) otherwise required by applicable law.

(B) Notification

Public housing agencies must provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

(f) Use of funds

Grants and contracts awarded pursuant to subsection (a) of this section shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain

housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

(4) assisting victims who need to leave a public housing, tribally designated housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

(7) developing and implementing more effective security policies, protocols, and services;

(8) allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;

(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

(g) Authorization of appropriations

There are authorized to be appropriated \$10,000,000 for each of fiscal years 2007 through 2011 to carry out the provisions of this section.

(h) Technical assistance

Up to 12 percent of the amount appropriated under subsection (g) of this section for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.

(Pub. L. 103-322, title IV, §41405, as added Pub. L. 109-162, title VI, §601, Jan. 5, 2006, 119 Stat. 3035.)

PART N—NATIONAL RESOURCE CENTER

CODIFICATION

Pub. L. 109-162, title VII, §701, Jan. 5, 2006, 119 Stat. 3052, which directed that subtitle N of the Violence

Against Women Act of 1994 (part M of this subchapter) be amended by adding at the end a subtitle O consisting of section 41501 (42 U.S.C. 14043f), is reflected in the Code by setting out subtitle O as a separate part N (this part) and not as included in part M, as the probable intent of Congress.

§ 14043f. Grant for national resource center on workplace responses to assist victims of domestic and sexual violence

(a) Authority

The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national resource center on workplace responses to assist victims of domestic and sexual violence. The resource center shall provide information and assistance to employers and labor organizations to aid in their efforts to develop and implement responses to such violence.

(b) Applications

To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence;

(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments) and labor organizations described in subsection (a) of this section concerning developing and implementing workplace responses to assist victims of domestic or sexual violence; and

(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of underserved communities.

(c) Use of grant amount

(1) In general

An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers and labor organizations described in subsection (a) of this section, information and assistance concerning workplace responses to assist victims of domestic or sexual violence.

(2) Responses

Responses referred to in paragraph (1) may include—

(A) providing training to promote a better understanding of workplace assistance to victims of domestic or sexual violence;

(B) providing conferences and other educational opportunities; and

(C) developing protocols and model workplace policies.

(d) Liability

The compliance or noncompliance of any employer or labor organization with any protocol or policy developed by an entity or organization under this section shall not serve as a basis for liability in tort, express or implied contract, or by any other means. No protocol or policy developed by an entity or organization under this section shall be referenced or enforced as a workplace safety standard by any Federal, State, or other governmental agency.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2007 through 2011.

(f) Availability of grant funds

Funds appropriated under this section shall remain available until expended.

(Pub. L. 103-322, title IV, § 41501, as added Pub. L. 109-162, title VII, § 701, Jan. 5, 2006, 119 Stat. 3052.)

PART N-1—SEXUAL ASSAULT SERVICES

§ 14043g. Sexual assault services program**(a) Purposes**

The purposes of this section are—

(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

(A) adult, youth, and child victims of sexual assault;

(B) family and household members of such victims; and

(C) those collaterally affected by the victimization, except for the perpetrator of such victimization; and

(2) to provide for technical assistance and training relating to sexual assault to—

(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

(B) professionals working in legal, social service, and health care settings;

(C) nonprofit organizations;

(D) faith-based organizations; and

(E) other individuals and organizations seeking such assistance.

(b) Grants to States and territories**(1) Grants authorized**

The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

(2) Allocation and use of funds**(A) Administrative costs**

Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

(B) Grant funds

Any funds received by a State or territory under this subsection that are not used for

administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

(C) Intervention and related assistance

Intervention and related assistance under subparagraph (B) may include—

(i) 24-hour hotline services providing crisis intervention services and referral;

(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

(iv) information and referral to assist the sexual assault victim and family or household members;

(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and

(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

(3) Application**(A) In general**

Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

(B) Contents

Each application submitted under subparagraph (A) shall—

(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

(4) Minimum amount

The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The

remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of all the States and the territories. The District of Columbia shall be treated as a territory for purposes of calculating its allocation under the preceding formula.

(c) Grants for culturally specific programs addressing sexual assault

(1) Grants authorized

The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

(2) Eligible entities

To be eligible to receive a grant under this section, an entity shall—

(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

(3) Award basis

The Attorney General shall award grants under this section on a competitive basis.

(4) Distribution

(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

(5) Term

The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

(6) Reporting

Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

(d) Grants to State, territorial, and tribal sexual assault coalitions

(1) Grants authorized

(A) In general

The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

(B) Minimum amount

Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

(C) Eligible applicants

Each of the State, territorial, and tribal sexual assault coalitions.

(2) Use of funds

Grant funds received under this subsection may be used to—

(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

(D) design and conduct public education campaigns;

(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

(3) Allocation and use of funds

From amounts appropriated for grants under this subsection for each fiscal year—

(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions; and

(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to $\frac{1}{6}$ of the amounts so appropriated to each of those State and territorial coalitions.

(4) Application

Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

(5) First-time applicants

No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

(e) Grants to tribes**(1) Grants authorized**

The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian tribal lands and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

(2) Allocation and use of funds**(A) Administrative costs**

Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

(B) Grant funds

Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

(f) Authorization of appropriations**(1) In general**

There are authorized to be appropriated \$50,000,000 to remain available until expended for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

(2) Allocations

Of the total amounts appropriated for each fiscal year to carry out this section—

(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).

(Pub. L. 103-322, title IV, § 41601, as added Pub. L. 109-271, § 3(b), Aug. 12, 2006, 120 Stat. 754.)

PART O—COMBATTING DOMESTIC TRAFFICKING IN PERSONS

§ 14044. Prevention of domestic trafficking in persons**(a) Program to reduce trafficking in persons and demand for commercial sex acts in the United States****(1) Comprehensive research and statistical review and analysis of incidents of trafficking in persons and commercial sex acts****(A) In general**

The Attorney General shall use available data from State and local authorities as well as research data to carry out a biennial comprehensive research and statistical review and analysis of severe forms of trafficking in persons, and a biennial comprehensive research and statistical review and analysis of sex trafficking and unlawful commercial sex acts in the United States, and shall submit to Congress separate biennial reports on the findings.

(B) Contents

The research and statistical review and analysis under this paragraph shall consist of two separate studies, utilizing the same statistical data where appropriate, as follows:

(i) The first study shall address severe forms of trafficking in persons in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in acts of severe forms of trafficking in persons; and

(II) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in acts of severe forms of trafficking in persons by States and their political subdivisions.

(ii) The second study shall address sex trafficking and unlawful commercial sex acts in the United States and shall include, but need not be limited to—

(I) the estimated number and demographic characteristics of persons engaged in sex trafficking and commercial sex acts, including purchasers of commercial sex acts;

(II) the estimated value in dollars of the commercial sex economy, including the estimated average annual personal income derived from acts of sex trafficking;

(III) the number of investigations, arrests, prosecutions, and incarcerations of persons engaged in sex trafficking and unlawful commercial sex acts, including purchasers of commercial sex acts, by States and their political subdivisions; and

(IV) a description of the differences in the enforcement of laws relating to unlawful commercial sex acts across the United States.

(2) Trafficking conference**(A) In general**

The Attorney General, in consultation and cooperation with the Secretary of Health and Human Services, shall conduct an annual conference in each of the fiscal years 2006, 2007, and 2008, and thereafter conduct a biennial conference, addressing severe forms of trafficking in persons and commercial sex acts that occur, in whole or in part, within the territorial jurisdiction of the United States. At each such conference, the Attorney General, or his designee, shall—

(i) announce and evaluate the findings contained in the research and statistical reviews carried out under paragraph (1);

(ii) disseminate best methods and practices for enforcement of laws prohibiting acts of severe forms of trafficking in persons and other laws related to acts of trafficking in persons, including, but not limited to, best methods and practices for training State and local law enforcement personnel on the enforcement of such laws;

(iii) disseminate best methods and practices for training State and local law enforcement personnel on the enforcement of laws prohibiting sex trafficking and commercial sex acts, including, but not limited to, best methods for investigating and prosecuting exploiters and persons who solicit or purchase an unlawful commercial sex act; and

(iv) disseminate best methods and practices for training State and local law enforcement personnel on collaborating with social service providers and relevant nongovernmental organizations and establishing trust of persons subjected to commercial sex acts or severe forms of trafficking in persons.

(B) Participation

Each annual conference conducted under this paragraph shall involve the participation of persons with expertise or professional responsibilities with relevance to trafficking in persons, including, but not limited to—

(i) Federal Government officials, including law enforcement and prosecutorial officials;

(ii) State and local government officials, including law enforcement and prosecutorial officials;

(iii) persons who have been subjected to severe forms of trafficking in persons or commercial sex acts;

(iv) medical personnel;

(v) social service providers and relevant nongovernmental organizations; and

(vi) academic experts.

(C) Reports

The Attorney General and the Secretary of Health and Human Services shall prepare and post on the respective Internet Web sites of the Department of Justice and the Department of Health and Human Services reports on the findings and best practices identified and disseminated at the conference described in this paragraph.

(b) Omitted**(c) Authorization of appropriations**

There are authorized to be appropriated—

(1) \$1,500,000 for each of the fiscal years 2008 through 2011 to carry out the activities described in subsection (a)(1)(B)(i) of this section and \$1,500,000 for each of the fiscal years 2008 through 2011 to carry out the activities described in subsection (a)(1)(B)(ii) of this section; and

(2) \$1,000,000 for each of the fiscal years 2008 through 2011 to carry out the activities described in subsection (a)(2) of this section.

(Pub. L. 109-164, title II, §201, Jan. 10, 2006, 119 Stat. 3567; Pub. L. 110-457, title III, §302(2), Dec. 23, 2008, 122 Stat. 5087.)

CODIFICATION

Section is comprised of section 201 of Pub. L. 109-164. Subsec. (b) of section 201 of Pub. L. 109-164 amended section 7104 of Title 22, Foreign Relations and Inter-course.

Section was enacted as part of the Trafficking Victims Protection Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2008—Subsec. (c)(1). Pub. L. 110-457, §302(2)(A), substituted “\$1,500,000 for each of the fiscal years 2008 through 2011” for “\$2,500,000 for each of the fiscal years 2006 and 2007” in two places.

Subsec. (c)(2). Pub. L. 110-457, §302(2)(B), which directed substitution of “2008 through 2011” for “2006 and 2007”, was executed by making the substitution for “2006 through 2007”, to reflect the probable intent of Congress.

RECOMMENDATIONS TO PREVENT SEX TRAFFICKING OF INDIAN WOMEN

Pub. L. 111-211, title II, §264, July 29, 2010, 124 Stat. 2300, provided that: “Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations that the Secretary determines to be necessary to prevent the sex trafficking of Indian women.”

§ 14044a. Establishment of grant program to develop, expand, and strengthen assistance programs for certain persons subject to trafficking**(a) Grant program**

The Secretary of Health and Human Services may make grants to States, Indian tribes, units of local government, and nonprofit, nongovernmental victims’ service organizations to establish, develop, expand, and strengthen assistance programs for United States citizens or aliens admitted for permanent residence who are the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States.

(b) Selection factor

In selecting among applicants for grants under subsection (a) of this section, the Secretary shall give priority to applicants with experience in the delivery of services to persons who have been subjected to sexual abuse or commercial sexual exploitation and to applicants who would

employ survivors of sexual abuse or commercial sexual exploitation as a part of their proposed project.

(c) Limitation on Federal share

The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) Authorization of appropriations

There are authorized to be appropriated \$8,000,000 for each of the fiscal years 2008 through 2011 to carry out the activities described in this section.

(Pub. L. 109-164, title II, §202, Jan. 10, 2006, 119 Stat. 3569; Pub. L. 110-457, title III, §302(3), Dec. 23, 2008, 122 Stat. 5087.)

CODIFICATION

Section was enacted as part of the Trafficking Victims Protection Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2008—Subsec. (d). Pub. L. 110-457 substituted “\$8,000,000 for each of the fiscal years 2008 through 2011” for “\$10,000,000 for each of the fiscal years 2006 and 2007”.

§ 14044b. Protection of juvenile victims of trafficking in persons

(a) Establishment of pilot program

Not later than 180 days after January 10, 2006, the Secretary of Health and Human Services shall establish and carry out a pilot program to establish residential treatment facilities in the United States for juveniles subjected to trafficking.

(b) Purposes

The purposes of the pilot program established pursuant to subsection (a) of this section are to—

(1) provide benefits and services to juveniles subjected to trafficking, including shelter, psychological counseling, and assistance in developing independent living skills;

(2) assess the benefits of providing residential treatment facilities for juveniles subjected to trafficking, as well as the most efficient and cost-effective means of providing such facilities; and

(3) assess the need for and feasibility of establishing additional residential treatment facilities for juveniles subjected to trafficking.

(c) Selection of sites

The Secretary of Health and Human Services shall select three sites at which to operate the pilot program established pursuant to subsection (a) of this section.

(d) Form of assistance

In order to carry out the responsibilities of this section, the Secretary of Health and Human Services shall enter into contracts with, or make grants to, organizations that—

(1) have relevant expertise in the delivery of services to juveniles who have been subjected to sexual abuse or commercial sexual exploitation; or

(2) have entered into partnerships with organizations that have expertise as described in paragraph (1) for the purpose of implementing the contracts or grants.

(e) Report

Not later than one year after the date on which the first pilot program is established pursuant to subsection (a) of this section, the Secretary of Health and Human Services shall submit to Congress a report on the implementation of this section.

(f) Definition

In this section, the term “juvenile subjected to trafficking” means a United States citizen, or alien admitted for permanent residence, who is the subject of sex trafficking or severe forms of trafficking in persons that occurs, in whole or in part, within the territorial jurisdiction of the United States and who has not attained 18 years of age at the time the person is identified as having been the subject of sex trafficking or severe forms of trafficking in persons.

(g) Authorization of appropriations

There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section \$5,000,000 for each of the fiscal years 2008 through 2011.

(Pub. L. 109-164, title II, §203, Jan. 10, 2006, 119 Stat. 3570; Pub. L. 110-457, title III, §302(4), Dec. 23, 2008, 122 Stat. 5087.)

CODIFICATION

Section was enacted as part of the Trafficking Victims Protection Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2008—Subsec. (g). Pub. L. 110-457 substituted “2008 through 2011” for “2006 and 2007”.

§ 14044c. Enhancing State and local efforts to combat trafficking in persons

(a) Establishment of grant program for law enforcement

(1) In general

The Attorney General may make grants to States and local law enforcement agencies to establish, develop, expand, or strengthen programs—

(A) to investigate and prosecute acts of severe forms of trafficking in persons, and related offenses, which involve United States citizens, or aliens admitted for permanent residence, and that occur, in whole or in part, within the territorial jurisdiction of the United States;

(B) to investigate and prosecute persons who engage in the purchase of commercial sex acts;

(C) to educate persons charged with, or convicted of, purchasing or attempting to purchase commercial sex acts; and

(D) to educate and train law enforcement personnel in how to establish trust of persons subjected to trafficking and encourage cooperation with prosecution efforts.

(2) Definition

In this subsection, the term “related offenses” includes violations of tax laws, trans-

acting in illegally derived proceeds, money laundering, racketeering, and other violations of criminal laws committed in connection with an act of sex trafficking or a severe form of trafficking in persons.

(b) Multi-disciplinary approach required

Grants under subsection (a) of this section may be made only for programs in which the State or local law enforcement agency works collaboratively with social service providers and relevant nongovernmental organizations, including organizations with experience in the delivery of services to persons who are the subject of trafficking in persons.

(c) Limitation on Federal share

The Federal share of a grant made under this section may not exceed 75 percent of the total costs of the projects described in the application submitted.

(d) Authorization of appropriations

There are authorized to be appropriated to the Attorney General to carry out this section \$20,000,000 for each of the fiscal years 2008 through 2011.

(Pub. L. 109-164, title II, §204, Jan. 10, 2006, 119 Stat. 3571; Pub. L. 110-457, title III, §302(5), Dec. 23, 2008, 122 Stat. 5087.)

CODIFICATION

Section was enacted as part of the Trafficking Victims Protection Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2008—Subsec. (d). Pub. L. 110-457 substituted “\$20,000,000 for each of the fiscal years 2008 through 2011” for “\$25,000,000 for each of the fiscal years 2006 and 2007”.

§ 14044d. Senior Policy Operating Group

Each Federal department or agency involved in grant activities related to combatting trafficking or providing services to persons subjected to trafficking inside the United States shall apprise the Senior Policy Operating Group established by section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)), under the procedures established by the Senior Policy Operating Group, of such activities of the department or agency to ensure that the activities are consistent with the purposes of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(Pub. L. 109-164, title II, §206, Jan. 10, 2006, 119 Stat. 3571; Pub. L. 110-457, title II, §233, Dec. 23, 2008, 122 Stat. 5074.)

REFERENCES IN TEXT

The Trafficking Victims Protection Act of 2000, referred to in text, is div. A of Pub. L. 106-386, Oct. 28, 2000, 114 Stat. 1466, which is classified principally to chapter 78 (§7101 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of Title 22 and Tables.

CODIFICATION

Section was enacted as part of the Trafficking Victims Protection Reauthorization Act of 2005, and not as

part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2008—Pub. L. 110-457 struck out “, as the department or agency determines appropriate,” before “apprise the Senior Policy Operating Group”.

§ 14044e. Definitions

In this part:

(1) Severe forms of trafficking in persons

The term “severe forms of trafficking in persons” has the meaning given the term in section 7102(8) of title 22.

(2) Sex trafficking

The term “sex trafficking” has the meaning given the term in section 7102(9) of title 22.

(3) Commercial sex act

The term “commercial sex act” has the meaning given the term in section 7102(3) of title 22.

(Pub. L. 109-164, title II, §207, Jan. 10, 2006, 119 Stat. 3572.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this title”, meaning title II of Pub. L. 109-164, Jan. 10, 2006, 119 Stat. 3567, which enacted sections 14044 to 14044e of this title and amended sections 7103 and 7104 of Title 22, Foreign Relations and Intercourse. For complete classification of title II to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Trafficking Victims Protection Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14044f. Grants for law enforcement training programs

(a) Definitions

In this section:

(1) Act of trafficking

The term “act of trafficking” means an act or practice described in paragraph (8) of section 7102 of title 22.

(2) Eligible entity

The term “eligible entity” means a State or a local government.

(3) State

The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

(4) Victim of trafficking

The term “victim of trafficking” means a person subjected to an act of trafficking.

(b) Grants authorized

The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.

(c) Use of funds

A grant awarded under this section shall be used to—

- (1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;
- (2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or
- (3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

(d) Restrictions**(1) Administrative expenses**

An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) Nonexclusivity

Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c) of this section.

(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 the provisions of this section.

(Pub. L. 109-162, title I, §111, Jan. 5, 2006, 119 Stat. 2984.)

CODIFICATION

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

PART P—MISCELLANEOUS AUTHORITIES

§ 14045. Grants for outreach to underserved populations**(a) Grants authorized****(1) In general**

From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) of this section to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal and underserved populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) Term

The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) Eligible entities

Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal and underserved populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) Allocation of funds

Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal and underserved populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) Use of funds

Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) Application

An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) Criteria

In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various underserved and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns; and

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) Reports

Each eligible entity receiving a grant under this section shall submit to the Director of the

Office of Violence Against Women a report that describes the activities carried out with grant funds.

(h) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2007 through 2011.

(i) Definitions and grant conditions

In this section the definitions and grant conditions in section 13925 of this title shall apply.

(Pub. L. 109-162, title I, §120, Jan. 5, 2006, 119 Stat. 2990; Pub. L. 109-271, §§1(c)(2), 2(h), Aug. 12, 2006, 120 Stat. 750, 752.)

CODIFICATION

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2006—Subsec. (g). Pub. L. 109-271, §2(h), struck out “, every 18 months,” after “Office of Violence Against Women”.

Subsec. (i). Pub. L. 109-271, §1(c)(2), added subsec. (i).

§ 14045a. Enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking

(a) Establishment

(1) In general

Of the amounts appropriated under certain grant programs identified in paragraph (a)(2) of this Section,¹ the Attorney General, through the Director of the Violence Against Women Office (referred to in this section as the “Director”), shall take 5 percent of such appropriated amounts and combine them to establish a new grant program to enhance culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants made under this new program shall be administered by the Director. The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program.

(2) Programs covered

The programs covered by paragraph (1) are the programs carried out under the following provisions:

(A) Section 3796hh² of this title, Grants to Encourage Arrest Policies.

(B) Section 3796gg-6 of this title, Legal Assistance for Victims.

(C) Section 13971 of this title, Rural Domestic Violence and Child Abuser Enforcement Assistance.

(D) Section _____³ of the Violence Against Women Act of 1994 (42 U.S.C. _____³), Older Battered Women.

(E) Section _____³ of the Violence Against Women Act of 2000 (42 U.S.C. _____³), Disabled Women Program.³

¹ So in original. Probably should not be capitalized.

² See References in Text note below.

³ So in original.

(b) Purpose of program and grants

(1) General program purpose

The purpose of the program required by this section is to promote:

(A) The maintenance and replication of existing successful services in domestic violence, dating violence, sexual assault, and stalking community-based programs providing culturally and linguistically specific services and other resources.

(B) The development of innovative culturally and linguistically specific strategies and projects to enhance access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(2) Purposes for which grants may be used

The Director shall make grants to community-based programs for the purpose of enhancing culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault, and stalking. Grants under the program shall support community-based efforts to address distinctive cultural and linguistic responses to domestic violence, dating violence, sexual assault, and stalking, including—

(A) working with State and local governments and social service agencies to develop and enhance effective strategies to provide culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) increasing communities' capacity to provide culturally and linguistically specific resources and support for victims of domestic violence, dating violence, sexual assault, and stalking crimes and their families;

(C) strengthening criminal justice interventions, by providing training for law enforcement, prosecution, courts, probation, and correctional facilities on culturally and linguistically specific responses to domestic violence, dating violence, sexual assault, and stalking;

(D) enhancing traditional services to victims of domestic violence, dating violence, sexual assault, and stalking through the leadership of culturally and linguistically specific programs offering services to victims of domestic violence, dating violence, sexual assault, and stalking;

(E) working in cooperation with the community to develop education and prevention strategies highlighting culturally and linguistically specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

(F) providing culturally and linguistically specific programs for children exposed to domestic violence, dating violence, sexual assault, and stalking;

(G) providing culturally and linguistically specific resources and services that address the safety, economic, housing, and workplace needs of victims of domestic violence, dating violence, sexual assault, or stalking, including emergency assistance; or

(H) examining the dynamics of culture and its impact on victimization and healing.

(3) Technical assistance and training

The Director shall provide technical assistance and training to grantees of this and other programs under this Act regarding the development and provision of effective culturally and linguistically specific community-based services by entering into cooperative agreements or contracts with an organization or organizations having a demonstrated expertise in and whose primary purpose is addressing the development and provision of culturally and linguistically specific community-based services to victims of domestic violence, dating violence, sexual assault, and stalking.

(c) Eligible entities

Eligible entities for grants under this Section¹ include—

(1) community-based programs whose primary purpose is providing culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking; and

(2) community-based programs whose primary purpose is providing culturally and linguistically specific services who can partner with a program having demonstrated expertise in serving victims of domestic violence, dating violence, sexual assault, and stalking.

(d) Reporting

The Director shall issue a biennial report on the distribution of funding under this section, the progress made in replicating and supporting increased services to victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources, and the types of culturally and linguistically accessible programs, strategies, technical assistance, and training developed or enhanced through this program.

(e) Grant period

The Director shall award grants for a 2-year period, with a possible extension of another 2 years to implement projects under the grant.

(f) Evaluation

The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in and primary goal of providing enhanced cultural and linguistic access to services and resources for victims of domestic violence, dating violence, sexual assault, and stalking who face obstacles to using more traditional services and resources.

(g) Non-exclusivity

Nothing in this Section¹ shall be interpreted to exclude linguistic and culturally specific community-based programs from applying to other grant programs authorized under this Act.

(h) Definitions and grant conditions

In this section the definitions and grant conditions in section 13925 of this title shall apply.

(Pub. L. 109-162, title I, §121, Jan. 5, 2006, 119 Stat. 2991; Pub. L. 109-271, §§1(c)(3), 2(k), Aug. 12, 2006, 120 Stat. 751, 753.)

REFERENCES IN TEXT

Section 3796hh of this title, referred to in subsec. (a)(2)(A), was in the original "Section 2101 (42 U.S.C.

3796hh)", which was translated as meaning "Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968", to reflect the probable intent of Congress.

This Act, referred to in subsecs. (b)(3) and (g), is Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960, known as the Violence Against Women and Department of Justice Reauthorization Act of 2005. For complete classification of this Act to the Code, see Short Title of 2006 Amendment note set out under section 13701 of this title and Tables.

CODIFICATION

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-271, §2(k)(1), inserted "The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program." at end.

Subsec. (b)(2). Pub. L. 109-271, §2(k)(2), which directed substituting "including—" and subpars. (A) to (H) for the period, was executed by making the substitution for the period at the end to reflect the probable intent of Congress.

Subsec. (h). Pub. L. 109-271, §1(c)(3), added subsec. (h).

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.

§ 14045b. Grants to combat violent crimes on campuses**(a) Grants authorized****(1) In general**

The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) Award basis

The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than \$500,000 for individual institutions of higher education and not more than \$1,000,000 for consortia of such institutions.

(3) Equitable participation

The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) Use of grant funds

Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault and stalking, and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services. Within 90 days after January 5, 2006, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault, and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) Applications

(1) In general

In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) Contents

Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b) of this section;

(B) include proof that the institution of higher education collaborated with any nonprofit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b) of this section; and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) Compliance with campus crime reporting required

No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 1092(f) of title 20. Up to \$200,000 of the total amount of grant funds appropriated under this section for fiscal years 2007 through 2011 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 1092(f) of title 20.

(d) General terms and conditions

(1) Nonmonetary assistance

In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's

authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) Grantee reporting

(A) Annual report

Each institution of higher education receiving a grant under this section shall submit a performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) Final report

Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b) of this section.

(3) Report to Congress

Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.¹

(e) Authorization of appropriations

For the purpose of carrying out this section, there are authorized to be appropriated \$12,000,000 for fiscal year 2007 and \$15,000,000 for each of fiscal years 2008 through 2011.

(f) Omitted

(g) Definitions and grant conditions

In this section the definitions and grant conditions in section 13925 of this title shall apply.

(Pub. L. 109-162, title III, §304, Jan. 5, 2006, 119 Stat. 3013; Pub. L. 109-271, §§1(c)(1), 4(b), (d), Aug. 12, 2006, 120 Stat. 750, 758.)

REFERENCES IN TEXT

This part, referred to in subsec. (d)(3)(D), appearing in the original is unidentifiable because title III of Pub. L. 109-162 does not contain parts.

CODIFICATION

Section is comprised of section 304 of Pub. L. 109-162. Subsec. (f) of section 304 of Pub. L. 109-162 repealed section 1152 of Title 20, Education.

¹ See References in Text note below.

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109-271, §4(b), inserted first sentence and struck out former first sentence which read as follows: “To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault, and stalking.”

Subsec. (d)(2)(A). Pub. L. 109-271, §4(d), struck out “biennial” before “performance report”.

Subsec. (g). Pub. L. 109-271, §1(c)(1), added subsec. (g).

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.

§ 14045c. Public awareness campaign

(a) In general

The Attorney General, acting through the Office on Violence Against Women,¹ shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) Authorization of appropriations

For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

(Pub. L. 109-162, title IV, §403, Jan. 5, 2006, 119 Stat. 3023.)

CODIFICATION

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14045d. Consultation

(a) In general

The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103-322; 108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106-386; 114 Stat. 1491).

(b) Recommendations

During consultations under subsection (a) of this section, the Secretary of the Department of Health and Human Services and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

¹ So in original. Bracket probably should not appear.

(Pub. L. 109-162, title IX, §903, Jan. 5, 2006, 119 Stat. 3078.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960, known as the Violence Against Women and Department of Justice Reauthorization Act of 2005. For complete classification of this Act to the Code, see Short Title of 2006 Amendment note set out under section 13701 of this title and Tables.

The Violence Against Women Act of 1994, referred to in subsec. (a), is title IV of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1902, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

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

CODIFICATION

Section was enacted as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

SUBCHAPTER IV—DRUG CONTROL

§ 14051. Increased penalties for drug-dealing in “drug-free” zones

Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement for a defendant convicted of violating section 860 of title 21.

(Pub. L. 103-322, title IX, §90102, Sept. 13, 1994, 108 Stat. 1987.)

CODIFICATION

Section is comprised of section 90102 of Pub. L. 103-322 which is also listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

§ 14052. Enhanced penalties for illegal drug use in Federal prisons and for smuggling drugs into Federal prisons

(a) Declaration of policy

It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation’s Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) Sentencing guidelines

Pursuant to its authority under section 994 of title 28, the United States Sentencing Commission shall amend its sentencing guidelines to appropriately enhance the penalty for a person convicted of an offense—

(1) under section 844 of title 21 involving simple possession of a controlled substance within a Federal prison or other Federal detention facility; or

(2) under section 841(b) of title 21 involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility.

(c) No probation

Notwithstanding any other law, the court shall not sentence a person convicted of an offense described in subsection (b) of this section to probation.

(Pub. L. 103-322, title IX, §90103, Sept. 13, 1994, 108 Stat. 1987.)

CODIFICATION

Section is comprised of section 90103 of Pub. L. 103-322. Subsec. (b) of section 90103 of Pub. L. 103-322 is also listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure.

§ 14053. Violent crime and drug emergency areas

(a) Definitions

In this section—

“major violent crime or drug-related emergency” means an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

“State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) Declaration of violent crime and drug emergency areas

If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President may declare the State or part of a State to be a violent crime or drug emergency area and may take appropriate actions authorized by this section.

(c) Procedure

(1) In general

A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officer of a State or local government, respectively (or in the case of the District of Columbia, the mayor), and shall be forwarded to the Attorney General in such form as the Attorney General may by regulation require. One or more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) Finding

A request made under paragraph (1) shall be based on a written finding that the major violent crime or drug-related emergency is of such severity and magnitude that Federal assistance is necessary to ensure an effective response to save lives and to protect property and public health and safety.

(d) Irrelevancy of population density

The President shall not limit declarations made under this section to highly populated centers of violent crime or drug trafficking, drug smuggling, or drug use, but shall also con-

sider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

(e) Requirements

As part of a request for a declaration under this section, and as a prerequisite to Federal violent crime or drug emergency assistance under this section, the chief executive officer of a State or local government shall—

(1) take appropriate action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major violent crime- or drug-related emergency;

(2) submit a detailed plan outlining that government's short- and long-term plans to respond to the violent crime or drug emergency, specifying the types and levels of Federal assistance requested and including explicit goals (including quantitative goals) and timetables; and

(3) specify how Federal assistance provided under this section is intended to achieve those goals.

(f) Review period

The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) Federal assistance

The President may—

(1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, financial assistance, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

(2) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

(h) Duration of Federal assistance

(1) In general

Federal assistance under this section shall not be provided to a violent crime or drug emergency area for more than 1 year.

(2) Extension

The chief executive officer of a jurisdiction may apply to the President for an extension of assistance beyond 1 year. The President may extend the provision of Federal assistance for not more than an additional 180 days.

(i) Regulations

Not later than 120 days after September 13, 1994, the Attorney General shall issue regulations to implement this section.

(j) No effect on existing authority

Nothing in this section shall diminish or detract from existing authority possessed by the President or Attorney General.

(Pub. L. 103-322, title IX, §90107, Sept. 13, 1994, 108 Stat. 1988.)

SUBCHAPTER V—CRIMINAL STREET GANGS

§ 14061. Juvenile anti-drug and anti-gang grants in federally assisted low-income housing

Grants authorized in this Act to reduce or prevent juvenile drug and gang-related activity in “public housing” may be used for such purposes in federally assisted, low-income housing.

(Pub. L. 103-322, title XV, §150007, Sept. 13, 1994, 108 Stat. 2035.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

§ 14062. Gang investigation coordination and information collection

(a) Coordination

The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) Data collection

The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) Report

The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) of this section to be submitted to the President and Congress by January 1, 1996.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 1996.

(Pub. L. 103-322, title XV, §150008, Sept. 13, 1994, 108 Stat. 2036.)

SUBCHAPTER VI—CRIMES AGAINST CHILDREN

§§ 14071 to 14073. Repealed. Pub. L. 109-248, title I, § 129(a), July 27, 2006, 120 Stat. 600

Section 14071, Pub. L. 103-322, title XVII, §170101, Sept. 13, 1994, 108 Stat. 2038; Pub. L. 104-145, §2, May 17, 1996, 110 Stat. 1345; Pub. L. 104-236, §§3-7, Oct. 3, 1996, 110 Stat. 3096, 3097; Pub. L. 105-119, title I, §115(a)(1)-(5), Nov. 26, 1997, 111 Stat. 2461-2463; Pub. L. 105-314, title VI, §607(a), Oct. 30, 1998, 112 Stat. 2985; Pub. L. 106-386, div. B, title VI, §1601(b)(1), Oct. 28, 2000, 114 Stat. 1537; Pub. L. 108-21, title VI, §§604(a), 605(a), 606, Apr. 30, 2003, 117 Stat. 688; Pub. L. 109-162, title XI, §1153(b), Jan. 5, 2006, 119 Stat. 3113, required the Attorney General to establish guidelines for State programs that required registration by persons convicted of a criminal offense against a minor or a sexually violent offense and by sexually violent predators.

Section 14072, Pub. L. 103-322, title XVII, §170102, as added Pub. L. 104-236, §2(a), Oct. 3, 1996, 110 Stat. 3093; amended Pub. L. 105-119, title I, §115(a)(6), Nov. 26, 1997, 111 Stat. 2463; Pub. L. 105-277, div. A, §101(b) [title I,

§123], Oct. 21, 1998, 112 Stat. 2681-50, 2681-72, required the Attorney General to establish a national database at the FBI to track sexual offenders.

Section 14073, Pub. L. 104-236, §8, Oct. 3, 1996, 110 Stat. 3097, immunized certain agencies and officials from liability for good faith conduct.

EFFECTIVE DATE OF REPEAL

Pub. L. 109-248, title I, §129(b), July 27, 2006, 120 Stat. 601, provided that: “Notwithstanding any other provision of this Act [see Tables for classification], this section [repealing sections 14071 to 14073 of this title] shall take effect on the date of the deadline determined in accordance with section 124(a) [42 U.S.C. 16924(a)] [3 years after July 27, 2006].”

SHORT TITLE

Subtitle A of title XVII of Pub. L. 103-322, which was classified generally to this subchapter prior to repeal, was popularly known as the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

SUBCHAPTER VII—RURAL CRIME

§ 14081. Rural Crime and Drug Enforcement Task Forces

(a) Establishment

The Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, may establish a Rural Crime and Drug Enforcement Task Force in judicial districts that encompass significant rural lands. Assets seized as a result of investigations initiated by a Rural Crime and Drug Enforcement Task Force and forfeited under Federal law shall be used, consistent with the guidelines on equitable sharing established by the Attorney General and of the Secretary of the Treasury, primarily to enhance the operations of the task force and its participating State and local law enforcement agencies.

(b) Task force membership

The Task Forces¹ established under subsection (a) of this section shall be carried out under policies and procedures established by the Attorney General. The Attorney General may deputize State and local law enforcement officers and may cross-designate up to 100 Federal law enforcement officers, when necessary to undertake investigations pursuant to section 873(a) of title 21 or offenses punishable by a term of imprisonment of 10 years or more under title 18. The task forces—

- (1) shall include representatives from—
 - (A) State and local law enforcement agencies;
 - (B) the office of the United States Attorney for the judicial district; and
 - (C) the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the United States Marshals Service; and

(2) may include representatives of other Federal law enforcement agencies, such as the United States Customs Service, United States Park Police, United States Forest Service, Bureau of Alcohol, Tobacco, and Firearms, and Bureau of Land Management.

¹ So in original. Probably should not be capitalized.

(Pub. L. 103-322, title XVIII, §180102, Sept. 13, 1994, 108 Stat. 2045.)

TRANSFER OF FUNCTIONS

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 542 of Title 6.

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.

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.

§ 14082. Rural drug enforcement training

(a) Specialized training for rural officers

The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out subsection (a) of this section—

- (1) \$1,000,000 for fiscal year 1996;
- (2) \$1,000,000 for fiscal year 1997;
- (3) \$1,000,000 for fiscal year 1998;
- (4) \$1,000,000 for fiscal year 1999; and
- (5) \$1,000,000 for fiscal year 2000.

(Pub. L. 103-322, title XVIII, §180103, Sept. 13, 1994, 108 Stat. 2046.)

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(4), 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.

§ 14083. More agents for Drug Enforcement Administration

There are authorized to be appropriated for the hiring of additional Drug Enforcement Administration agents—

- (1) \$12,000,000 for fiscal year 1996;
- (2) \$20,000,000 for fiscal year 1997;
- (3) \$30,000,000 for fiscal year 1998;
- (4) \$40,000,000 for fiscal year 1999; and
- (5) \$48,000,000 for fiscal year 2000.

(Pub. L. 103-322, title XVIII, §180104, Sept. 13, 1994, 108 Stat. 2046.)

SUBCHAPTER VIII—POLICE CORPS AND
LAW ENFORCEMENT OFFICERS TRAINING
AND EDUCATION

PART A—POLICE CORPS

§ 14091. Purposes

The purposes of this part are to—

- (1) address violent crime by increasing the number of police with advanced education and training on community patrol; and
- (2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

(Pub. L. 103-322, title XX, §200102, Sept. 13, 1994, 108 Stat. 2049.)

SHORT TITLE

For short title of this part as the “Police Corps Act”, see section 200101 of Pub. L. 103-322, set out as a note under section 13701 of this title.

§ 14092. Definitions

In this part—

“academic year” means a traditional academic year beginning in August or September and ending in the following May or June.

“dependent child” means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer’s death—

- (A) was no more than 21 years old; or
- (B) if older than 21 years, was in fact dependent on the child’s parents for at least one-half of the child’s support (excluding educational expenses), as determined by the Director.

“Director” means the Director of the Office of the Police Corps and Law Enforcement Education appointed under section 14093¹ of this title.

“educational expenses” means expenses that are directly attributable to a course of education leading to the award of either a baccalaureate or graduate degree in a course of study which, in the judgment of the State or local police force to which the participant will be assigned, includes appropriate preparation for police service including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

“institution of higher education” has the meaning stated in the first sentence of section 1001 of title 20.

“participant” means a participant in the Police Corps program selected pursuant to section 14095² of this title.

“State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

“State Police Corps program” means a State police corps program that meets the requirements of section 14099 of this title.

(Pub. L. 103-322, title XX, §200103, Sept. 13, 1994, 108 Stat. 2049; Pub. L. 104-134, title I, §101[(a)])

¹ So in original. Section 14093 of this title does not provide for the appointment of a Director.

² So in original. Probably should be section “14096”.

[title I, § 121], Apr. 26, 1996, 110 Stat. 1321, 1321-22; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; Pub. L. 105-244, title I, §102(a)(13)(O), Oct. 7, 1998, 112 Stat. 1621.)

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-244 substituted “section 1001” for “section 1141(a)” in par. defining “institution of higher education”.

1996—Pub. L. 104-134 amended generally par. defining “education expenses”. Prior to amendment, par. read as follows: “‘educational expenses’ means expenses that are directly attributable to—

“(A) a course of education leading to the award of the baccalaureate degree in legal- or criminal justice-related studies; or

“(B) a course of graduate study legal or criminal justice studies following award of a baccalaureate degree, including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

§ 14093. Establishment of Office of the Police Corps and Law Enforcement Education

There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(Pub. L. 103-322, title XX, §200104, Sept. 13, 1994, 108 Stat. 2050.)

§ 14094. Designation of lead agency and submission of State plan

(a) Lead agency

A State that desires to participate in the Police Corps program under this part shall designate a lead agency that will be responsible for—

- (1) submitting to the Director a State plan described in subsection (b) of this section; and
- (2) administering the program in the State.

(b) State plans

A State plan shall—

- (1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement inter-agency agreements designed to carry out the program;
- (2) contain assurances that the State shall advertise the assistance available under this part;
- (3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program; and
- (4) meet the requirements of section 14099 of this title.

(Pub. L. 103-322, title XX, §200105, Sept. 13, 1994, 108 Stat. 2050.)

§ 14095. Scholarship assistance

(a) Scholarships authorized

(1) The Director may award scholarships to participants who agree to work in a State or

local police force in accordance with agreements entered into pursuant to subsection (d) of this section.

(2)(A) Except as provided in subparagraph (B), each scholarship payment made under this section for each academic year shall not exceed—

(i) \$10,000; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed \$13,333.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed \$40,000.

(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) Reimbursement authorized

(1) The Director may make payments to a participant to reimburse such participant for the costs of educational expenses if the student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d) of this section.

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) \$10,000; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed \$13,333.

(C) The total amount of payments made pursuant to subparagraph (A) to any 1 student shall not exceed \$40,000.

(c) Use of scholarship

Scholarships awarded under this subsection¹ shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study; and

(2) if a participant has enrolled in the program upon or after transfer to a 4-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) Agreement

(1)(A) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director.

(B) An agreement under subparagraph (A) shall contain assurances that the participant shall—

(i) after successful completion of a baccalaureate program and training as prescribed in section 14097 of this title, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(ii) complete satisfactorily—

(I) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study); and

(II) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 14097 of this title; and

(iii) repay all of the scholarship or payment received plus interest at the rate of 10 percent if the conditions of clauses (i) and (ii) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered to be in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) If a scholarship recipient is unable to comply with the repayment provision set forth in paragraph (1)(B)(ii)² because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from a participant who violates an agreement described in paragraph (1).

(e) Dependent child

A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

¹ So in original. Probably should be "section".

² So in original. Probably should be paragraph "(1)(B)(iii)".

(f) Application

Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

(Pub. L. 103-322, title XX, §200106, Sept. 13, 1994, 108 Stat. 2050; Pub. L. 107-273, div. C, title I, §11006(1), Nov. 2, 2002, 116 Stat. 1817.)

AMENDMENTS

2002—Subsecs. (a)(2), (b)(2). Pub. L. 107-273 substituted “\$10,000” for “\$7,500” in subpar. (A)(i), “\$13,333” for “\$10,000” in subpar. (B), and “\$40,000” for “\$30,000” in subpar. (C).

§ 14096. Selection of participants**(a) In general**

Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) Selection criteria and qualifications

(1) In order to participate in a State Police Corps program, a participant shall—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 14099(5) of this title, including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after September 13, 1994, up to 10 percent of the appli-

cants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 14098 of this title, and such a participant shall be subject to the same benefits and obligations under this part as other participants, including those stated in section¹ (b)(1)(E) and (F) of this section.

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 14098 of this title, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this part that there shall be no more than 20,000 participants in each graduating class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) Recruitment of minorities

Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b) of this section.

(d) Enrollment of applicant

(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) Leave of absence

(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or serv-

¹ So in original. Probably should be “subsection”.

ice for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) Admission of applicants

An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

(Pub. L. 103-322, title XX, § 200107, Sept. 13, 1994, 108 Stat. 2052.)

§ 14097. Police Corps training

(a) In general

(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this part.

(2) The Director may enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director may enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) Training sessions

A participant in a State Police Corps program shall attend up to 24 weeks, but no less than 16 weeks, of training at a training center. The Director may approve training conducted in not more than 3 separate sessions.

(c) Further training

The Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 14099¹ of this title shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a partici-

part in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) Course of training

The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) Evaluation of participants

A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) Stipend

The Director shall pay participants in training sessions a stipend of \$400 a week during training.

(Pub. L. 103-322, title XX, § 200108, Sept. 13, 1994, 108 Stat. 2054; Pub. L. 105-277, div. C, title I, § 138(a), Oct. 21, 1998, 112 Stat. 2681-597; Pub. L. 107-273, div. C, title I, § 11006(2), Nov. 2, 2002, 116 Stat. 1817.)

REFERENCES IN TEXT

Section 14099 of this title, referred to in subsec. (c), was in the original "section 10", and was translated as reading "section 200110", meaning section 200110 of Pub. L. 103-322, to reflect the probable intent of Congress, because Pub. L. 103-322 does not contain a section 10, and section 14099 of this title relates to requirements for State Police Corps plans.

AMENDMENTS

2002—Subsec. (f). Pub. L. 107-273 substituted "\$400" for "\$250".

1998—Subsec. (b). Pub. L. 105-277, § 138(a)(1), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: "A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director."

Subsec. (c). Pub. L. 105-277, § 138(a)(2), substituted "The Police Corps" for "The 16 weeks of Police Corps".

§ 14098. Service obligation

(a) Swearing in

Upon satisfactory completion of the participant's course of education and training program established in section 14097 of this title and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) Rights and responsibilities

A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant

¹ See References in Text note below.

is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) Discipline

If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 14095 of this title, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 14095(d)(1)(B)(iii) of this title shall not apply.

(d) Layoffs

If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 14095 of this title, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 14095(d)(1)(B)(iii) of this title shall not apply.

(Pub. L. 103-322, title XX, §200109, Sept. 13, 1994, 108 Stat. 2055.)

§ 14099. State plan requirements

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 14096 of this title;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (except with permission of the Director, no more than 25 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) ensure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

(Pub. L. 103-322, title XX, §200110, Sept. 13, 1994, 108 Stat. 2056; Pub. L. 107-273, div. C, title I, §11006(3), Nov. 2, 2002, 116 Stat. 1817.)

AMENDMENTS

2002—Par. (2). Pub. L. 107-273 substituted "except with permission of the Director, no more than 25 percent" for "no more than 10 percent".

§ 14100. Repealed. Pub. L. 107-273, div. C, title I, § 11006(4), Nov. 2, 2002, 116 Stat. 1817

Section, Pub. L. 103-322, title XX, §200111, Sept. 13, 1994, 108 Stat. 2056, provided assistance to States and localities employing Police Corps officers.

§ 14101. Authorization of appropriations

There are authorized to be appropriated to carry out this part \$50,000,000 for fiscal year 1999, \$70,000,000 for fiscal year 2000, \$90,000,000 for fiscal year 2001, and \$90,000,000 for each of fiscal years 2002 through 2005.

(Pub. L. 103-322, title XX, §200112, Sept. 13, 1994, 108 Stat. 2057; Pub. L. 105-277, div. C, title I, §138(b), Oct. 21, 1998, 112 Stat. 2681-597; Pub. L. 107-273, div. C, title I, §11006(5), Nov. 2, 2002, 116 Stat. 1817.)

AMENDMENTS

2002—Pub. L. 107-273 substituted "each of fiscal years 2002 through 2005" for "fiscal year 2002".

1998—Pub. L. 105-277 substituted "\$50,000,000 for fiscal year 1999, \$70,000,000 for fiscal year 2000, \$90,000,000 for fiscal year 2001, and \$90,000,000 for fiscal year 2002" for "\$20,000 for each of the fiscal years 1996 through 2000".

§ 14102. Reports to Congress

(a) In general

Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate.

(b) Contents

A report under subsection (a) of this section shall—

(1) state the number of current and past participants in the Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program; and

(3) describe the progress of the Police Corps program and make recommendations for changes in the program.

(Pub. L. 103-322, title XX, §200113, Sept. 13, 1994, 108 Stat. 2057.)

PART B—LAW ENFORCEMENT SCHOLARSHIP PROGRAM

§ 14111. Definitions

In this part—

“Director” means the Director of the Office of the Police Corps and Law Enforcement Education appointed under section 14093¹ of this title.

“educational expenses” means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, and related expenses.

“institution of higher education” has the meaning stated in the first sentence of section 1001 of title 20.

“law enforcement position” means employment as an officer in a State or local police force, or correctional institution.

“State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 103-322, title XX, §200202, Sept. 13, 1994, 108 Stat. 2057; Pub. L. 105-244, title I, §102(a)(13)(P), Oct. 7, 1998, 112 Stat. 1621.)

AMENDMENTS

1998—Pub. L. 105-244 substituted “section 1001” for “section 1141(a)” in par. defining “institution of higher education”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

SHORT TITLE

For short title of this part as the “Law Enforcement Scholarships and Recruitment Act”, see section 200201 of Pub. L. 103-322, set out as a note under section 13701 of this title.

¹ So in original. Section 14093 of this title does not provide for the appointment of a Director.

§ 14112. Allotment

From amounts appropriated under section 14119 of this title, the Director shall allot—

(1) 80 percent of such amounts to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such amounts to States on the basis of the shortage of law enforcement personnel and the need for assistance under this part in the State compared to the shortage of law enforcement personnel and the need for assistance under this part in all States.

(Pub. L. 103-322, title XX, §200203, Sept. 13, 1994, 108 Stat. 2058.)

§ 14113. Establishment of program

(a) Use of allotment

(1) In general

A State that receives an allotment pursuant to section 14112 of this title shall use the allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment for a period not to exceed 1 year.

(2) Employment

The employment described in paragraph (1)(B)—

(A) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement;

(B) shall not be in a law enforcement position; and

(C) shall consist of performing meaningful tasks that inform students of the nature of the tasks performed by law enforcement agencies.

(b) Payments; Federal share; non-Federal share

(1) Payments

Subject to the availability of appropriations, the Director shall pay to each State that receives an allotment under section 14112 of this title the Federal share of the cost of the activities described in the application submitted pursuant to section 14116¹ of this title.

(2) Federal share

The Federal share shall not exceed 60 percent.

(3) Non-Federal share

The non-Federal share of the cost of scholarships and student employment provided under this part shall be supplied from sources other than the Federal Government.

(c) Responsibilities of Director

The Director shall be responsible for the administration of the programs conducted pursu-

¹ See References in Text note below.

ant to this part and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this part.

(d) Administrative expenses

A State that receives an allotment under section 14112 of this title may reserve not more than 8 percent of the allotment for administrative expenses.

(e) Special rule

A State that receives an allotment under section 14112 of this title shall ensure that each scholarship recipient under this part be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(f) Supplementation of funding

Funds received under this part shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

(Pub. L. 103-322, title XX, §200204, Sept. 13, 1994, 108 Stat. 2058.)

REFERENCES IN TEXT

Section 14116 of this title, referred to in subsec. (b)(1), was in the original "section 200203", and was translated as reading "section 200207", meaning section 200207 of Pub. L. 103-322, to reflect the probable intent of Congress, because section 200203 of Pub. L. 103-322, which is classified to section 14112 of this title, does not provide for submission of applications, and section 14116 does so provide.

§ 14114. Scholarships

(a) Period of award

Scholarships awarded under this part shall be for a period of 1 academic year.

(b) Use of scholarships

Each individual awarded a scholarship under this part may use the scholarship for educational expenses at an institution of higher education.

(Pub. L. 103-322, title XX, §200205, Sept. 13, 1994, 108 Stat. 2059.)

§ 14115. Eligibility

(a) Scholarships

A person shall be eligible to receive a scholarship under this part if the person has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) Ineligibility for student employment

A person who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this part.

(Pub. L. 103-322, title XX, §200206, Sept. 13, 1994, 108 Stat. 2059.)

§ 14116. State application

(a) In general

Each State desiring an allotment under section 14112 of this title shall submit an applica-

tion to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(b) Contents

An application under subsection (a) of this section shall—

(1) describe the scholarship program and the student employment program for which assistance under this part is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement inter-agency agreements designed to carry out this part;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this part and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this part;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of persons who receive scholarships under this part;

(7) with respect to such student employment program, identify—

(A) the employment tasks that students will be assigned to perform;

(B) the compensation that students will be paid to perform such tasks; and

(C) the training that students will receive as part of their participation in the program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

(Pub. L. 103-322, title XX, §200207, Sept. 13, 1994, 108 Stat. 2059.)

§ 14117. Local application

(a) In general

A person who desires a scholarship or employment under this part shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) Contents

An application under subsection (a) of this section shall describe—

(1) the academic courses for which a scholarship is sought; or

(2) the location and duration of employment that is sought.

(c) Priority

In awarding scholarships and providing student employment under this part, each State shall give priority to applications from persons who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965 [20 U.S.C. 1001 et seq., 42 U.S.C. 2751 et seq.].

(Pub. L. 103-322, title XX, §200208, Sept. 13, 1994, 108 Stat. 2060.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (c)(3), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to chapter 28 (§1001 et seq.) of Title 20, Education, and part C (§2751 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 section 1001 of Title 20 and Tables.

§ 14118. Scholarship agreement

(a) In general

A person who receives a scholarship under this part shall enter into an agreement with the Director.

(b) Contents

An agreement described in subsection (a) of this section shall—

(1) provide assurances that the scholarship recipient will work in a law enforcement position in the State that awarded the scholarship in accordance with the service obligation described in subsection (c) of this section after completion of the scholarship recipient's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the scholarship recipient will repay the entire scholarship in accordance with such terms and conditions as the Director shall prescribe if the requirements of the agreement are not complied with, unless the scholarship recipient—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which the scholarship recipient may seek employment in the field of law enforcement in a State other than the State that awarded the scholarship.

(c) Service obligation

(1) In general

Except as provided in paragraph (2), a person who receives a scholarship under this part shall work in a law enforcement position in the State that awarded the scholarship for a period of 1 month for each credit hour for

which funds are received under the scholarship.

(2) Special rule

For purposes of satisfying the requirement of paragraph (1), a scholarship recipient shall work in a law enforcement position in the State that awarded the scholarship for not less than 6 months but shall not be required to work in such a position for more than 2 years.

(Pub. L. 103-322, title XX, §200209, Sept. 13, 1994, 108 Stat. 2060.)

§ 14119. Authorization of appropriations

(a) General authorization of appropriations

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

(1) \$20,000,000 for fiscal year 1996;

(2) \$20,000,000 for fiscal year 1997;

(3) \$20,000,000 for fiscal year 1998;

(4) \$20,000,000 for fiscal year 1999; and

(5) \$20,000,000 for fiscal year 2000.

(b) Uses of funds

Of the funds appropriated under subsection (a) of this section for a fiscal year—

(1) 80 percent shall be available to provide scholarships described in section 14113(a)(1)(A) of this title; and

(2) 20 percent shall be available to provide employment described in sections 14113(a)(1)(B) and 14113(a)(2) of this title.

(Pub. L. 103-322, title XX, §200210, Sept. 13, 1994, 108 Stat. 2061.)

SUBCHAPTER IX—STATE AND LOCAL LAW ENFORCEMENT

PART A—DNA IDENTIFICATION

§ 14131. Quality assurance and proficiency testing standards

(a) Publication of quality assurance and proficiency testing standards

(1)(A) Not later than 180 days after September 13, 1994, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory officials.

(B) The advisory board shall include as members scientists from State, local, and private forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology.

(C) The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) Administration of advisory board

(1) For administrative purposes, the advisory board appointed under subsection (a) of this section shall be considered an advisory board to the Director of the Federal Bureau of Investigation.

(2) Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a) of this section.

(3) The DNA advisory board established under this section shall be separate and distinct from any other advisory board administered by the FBI, and is to be administered separately.

(4) The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

(c) Proficiency testing program

(1) Not later than 1 year after the effective date of this Act,¹ the Director of the National Institute of Justice shall certify to the Committees on the Judiciary of the House and Senate that—

(A) the Institute has entered into a contract with, or made a grant to, an appropriate entity for establishing, or has taken other appropriate action to ensure that there is established, not later than 2 years after September 13, 1994, a blind external proficiency testing program for DNA analyses, which shall be available to public and private laboratories performing forensic DNA analyses;

(B) a blind external proficiency testing program for DNA analyses is already readily available to public and private laboratories performing forensic DNA analyses; or

(C) it is not feasible to have blind external testing for DNA forensic analyses.

(2) As used in this subsection, the term “blind external proficiency test” means a test that is presented to a forensic laboratory through a second agency and appears to the analysts to involve routine evidence.

(3) Notwithstanding any other provision of law, the Attorney General shall make available to the Director of the National Institute of Justice during the first fiscal year in which funds are distributed under this subtitle up to \$250,000 from the funds available under part X of Title I of the Omnibus Crime Control and Safe Streets

Act of 1968 [42 U.S.C. 3796kk et seq.] to carry out this subsection.

(Pub. L. 103-322, title XXI, §210303, Sept. 13, 1994, 108 Stat. 2068.)

REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (b)(2), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

The effective date of this Act, referred to in subsec. (c)(1), probably means the date of enactment of Pub. L. 103-322, which was approved Sept. 13, 1994.

This subtitle, referred to in subsec. (c)(3), is subtitle C (§§210301-210306) of title XXI of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 2065, known as the DNA Identification Act of 1994, which enacted this part and sections 3796kk to 3796kk-6 of this title, amended former sections 3751 and 3753 of this title and sections 3793 and 3797 of this title, and enacted provisions set out as notes under former section 3751 of this title and section 13701 of this title. For complete classification of this subtitle to the Code, see Short Title note set out under section 13701 of this title and Tables.

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in subsec. (c)(3), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended. Part X of title I of the Act is classified generally to subchapter XII-L (§3796kk et seq.) of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

§ 14132. Index to facilitate law enforcement exchange of DNA identification information

(a) Establishment of index

The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of—

(A) persons convicted of crimes;

(B) persons who have been charged in an indictment or information with a crime; and

(C) other persons whose DNA samples are collected under applicable legal authorities, provided that DNA samples that are voluntarily submitted solely for elimination purposes shall not be included in the National DNA Index System;

(2) analyses of DNA samples recovered from crime scenes;

(3) analyses of DNA samples recovered from unidentified human remains; and

(4) analyses of DNA samples voluntarily contributed from relatives of missing persons.

(b) Information

The index described in subsection (a) of this section shall include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed by or on behalf of a criminal justice agency (or the Secretary of Defense in accordance with section 1565 of title 10) in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 14131 of this title;

(2) prepared by laboratories that—

(A) not later than 2 years after October 30, 2004, have been accredited by a nonprofit professional association of persons actively involved in forensic science that is nation-

¹ See References in Text note below.

ally recognized within the forensic science community; and

(B) undergo external audits, not less than once every 2 years, that demonstrate compliance with standards established by the Director of the Federal Bureau of Investigation; and

(3) maintained by Federal, State, and local criminal justice agencies (or the Secretary of Defense in accordance with section 1565 of title 10) pursuant to rules that allow disclosure of stored DNA samples and DNA analyses 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 such 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.

(c) Failure to comply

Access to the index established by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

(d) Expungement of records

(1) By Director

(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) of this section the DNA analysis of a person included in the index—

(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 14135a and 14135b of this title, respectively), if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned; or

(ii) on the basis of an arrest under the authority of the United States, if the Attorney General receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.

(B) For purposes of subparagraph (A), the term “qualifying offense” means any of the following offenses:

(i) A qualifying Federal offense, as determined under section 14135a of this title.

(ii) A qualifying District of Columbia offense, as determined under section 14135b of this title.

(iii) A qualifying military offense, as determined under section 1565 of title 10.

(C) For purposes of subparagraph (A), a court order is not “final” if time remains for an appeal or application for discretionary review with respect to the order.

(2) By States

(A) As a condition of access to the index described in subsection (a) of this section, a State shall promptly expunge from that index the DNA analysis of a person included in the index by that State if—

(i) the responsible agency or official of that State receives, for each conviction of the person of an offense on the basis of which that analysis was or could have been included in the index, a certified copy of a final court order establishing that such conviction has been overturned; or

(ii) the person has not been convicted of an offense on the basis of which that analysis was or could have been included in the index, and the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.

(B) For purposes of subparagraph (A), a court order is not “final” if time remains for an appeal or application for discretionary review with respect to the order.

(Pub. L. 103-322, title XXI, §210304, Sept. 13, 1994, 108 Stat. 2069; Pub. L. 106-113, div. B, §1000(a)(1) [title I, §120], Nov. 29, 1999, 113 Stat. 1535, 1501A-23; Pub. L. 106-546, §6(b), Dec. 19, 2000, 114 Stat. 2733; Pub. L. 108-405, title II, §203(a), (d), title III, §302, Oct. 30, 2004, 118 Stat. 2269, 2270, 2272; Pub. L. 109-162, title X, §1002, Jan. 5, 2006, 119 Stat. 3084.)

AMENDMENTS

2006—Subsec. (a)(1)(C). Pub. L. 109-162, §1002(1), struck out “DNA profiles from arrestees who have not been charged in an indictment or information with a crime, and” after “provided that”.

Subsec. (d)(1)(A). Pub. L. 109-162, §1002(2), added subpar. (A) and struck out former subpar. (A), which read as follows: “The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) of this section the DNA analysis of a person included in the index on the basis of a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 14135a and 14135b of this title, respectively) if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.”

Subsec. (d)(2)(A)(ii). Pub. L. 109-162, §1002(3), substituted “the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.” for “all charges for which the analysis was or could have been included in the index have been dismissed or resulted in acquittal.”

Subsec. (e). Pub. L. 109-162, §1002(4), struck out heading and text of subsec. (e). Prior to amendment, text related to authority for keyboard searches.

2004—Subsec. (a)(1). Pub. L. 108-405, §203(a)(1), substituted “of—” for “of persons convicted of crimes;” and added subpars (A) to (C).

Subsec. (b)(2). Pub. L. 108-405, §302, amended par. (2) generally. Prior to amendment, par. (2) read as follows: “prepared by laboratories, and DNA analysts, that undergo semiannual external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 14131 of this title; and”.

Subsec. (d)(2)(A). Pub. L. 108-405, §203(a)(2)(B), (C), which directed that subsection (d)(2) be amended by substituting “; or” for period at end and by adding cl. (ii) at end, was executed by making the amendment to subpar. (A) of subsec. (d)(2) to reflect the probable intent of Congress.

Pub. L. 108-405, §203(a)(2)(A), substituted “if—” for “if” and inserted cl. (i) designation before “the responsible agency”.

Subsec. (e). Pub. L. 108-405, §203(d), added subsec. (e). 2000—Subsec. (b)(1). Pub. L. 106-546, §6(b)(1), inserted “(or the Secretary of Defense in accordance with section 1565 of title 10)” after “criminal justice agency”.

Subsec. (b)(2). Pub. L. 106-546, §6(b)(2), substituted “semiannual” for “, at regular intervals of not to exceed 180 days,”.

Subsec. (b)(3). Pub. L. 106-546, §6(b)(3), inserted “(or the Secretary of Defense in accordance with section 1565 of title 10)” after “criminal justice agencies” in introductory provisions.

Subsec. (d). Pub. L. 106-546, §6(b)(4), added subsec. (d). 1999—Subsec. (a)(4). Pub. L. 106-113 added par. (4).

§ 14133. Federal Bureau of Investigation

(a) Proficiency testing requirements

(1) Generally

(A) Personnel at the Federal Bureau of Investigation who perform DNA analyses shall undergo semiannual external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 14131 of this title.

(B) Within 1 year after September 13, 1994, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory.

(C) In this paragraph, “blind external test” means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) Report

For 5 years after September 13, 1994, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests described in paragraph (1).

(b) Privacy protection standards

(1) Generally

Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes¹ or rules; and

(C) for criminal defense purposes, to a defendant, who shall have access to samples

and analyses performed in connection with the case in which such defendant is charged.

(2) Exception

If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) Criminal penalty

(1) A person who—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) knowingly discloses such information in any manner to any person or agency not authorized to receive it,

shall be fined not more than \$100,000.

(2) A person who, without authorization, knowingly obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency shall be fined not more than \$250,000, or imprisoned for a period of not more than one year, or both.

(Pub. L. 103-322, title XXI, §210305, Sept. 13, 1994, 108 Stat. 2070; Pub. L. 106-546, §8(c), Dec. 19, 2000, 114 Stat. 2735; Pub. L. 108-405, title II, §203(e)(1), Oct. 30, 2004, 118 Stat. 2270.)

AMENDMENTS

2004—Subsec. (c)(2). Pub. L. 108-405 substituted “\$250,000, or imprisoned for a period of not more than one year, or both” for “\$100,000”.

2000—Subsec. (a)(1)(A). Pub. L. 106-546 substituted “semiannual” for “, at regular intervals of not to exceed 180 days,”.

§ 14134. Authorization of appropriations

There are authorized to be appropriated to the Federal Bureau of Investigation to carry out sections 14131, 14132, and 14133 of this title—

- (1) \$5,500,000 for fiscal year 1996;
- (2) \$8,000,000 for fiscal year 1997;
- (3) \$8,000,000 for fiscal year 1998;
- (4) \$2,500,000 for fiscal year 1999; and
- (5) \$1,000,000 for fiscal year 2000.

(Pub. L. 103-322, title XXI, §210306, Sept. 13, 1994, 108 Stat. 2071.)

§ 14135. The Debbie Smith DNA Backlog Grant Program

(a) Authorization of grants

The Attorney General may make grants to eligible States or units of local government for use by the State or unit of local government for the following purposes:

(1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples collected under applicable legal authority.

(2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect.

¹ So in original. Probably should be “statutes”.

(3) To increase the capacity of laboratories owned by the State or by units of local government to carry out DNA analyses of samples specified in paragraph (1) or (2).

(4) To collect DNA samples specified in paragraph (1).

(5) To ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

(b) Eligibility

For a State or unit of local government to be eligible to receive a grant under this section, the chief executive officer of the State or unit of local government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall, as required by the Attorney General—

(1) provide assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

(2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to the privacy requirements described in section 14132(b)(3) of this title;

(3) include a certification that the State or unit of local government has determined, by statute, rule, or regulation, those offenses under State law that shall be treated for purposes of this section as qualifying State offenses;

(4) specify the allocation that the State or unit of local government shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) of this section and samples specified in subsection (a)(2) of this section;

(5) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(3) of this section;

(6) if submitted by a unit of local government, certify that the unit of local government has taken, or is taking, all necessary steps to ensure that it is eligible to include, directly or through a State law enforcement agency, all analyses of samples for which it has requested funding in the Combined DNA Index System; and

(7) specify that portion of grant amounts that the State or unit of local government shall use for the purpose specified in subsection (a)(4) of this section.

(c) Formula for distribution of grants

(1) In general

The Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among eligible States and units of local government that—

(A) maximizes the effective utilization of DNA technology to solve crimes and protect public safety; and

(B) allocates grants among eligible entities fairly and efficiently to address jurisdictions in which significant backlogs exist, by considering—

(i) the number of offender and casework samples awaiting DNA analysis in a jurisdiction;

(ii) the population in the jurisdiction; and

(iii) the number of part 1 violent crimes in the jurisdiction.

(2) Minimum amount

The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriation.

(3) Limitation

Grant amounts distributed under paragraph (1) shall be awarded to conduct DNA analyses of samples from casework or from victims of crime under subsection (a)(2) of this section in accordance with the following limitations:

(A) For fiscal year 2009, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

(d) Analysis of samples

(1) In general

A plan pursuant to subsection (b)(1) of this section shall require that, except as provided in paragraph (3), each DNA analysis be carried out in a laboratory that satisfies quality assurance standards and is—

(A) operated by the State or a unit of local government; or

(B) operated by a private entity pursuant to a contract with the State or a unit of local government.

(2) Quality assurance standards

(A) The Director of the Federal Bureau of Investigation shall maintain and make available to States and units of local government a description of quality assurance protocols and practices that the Director considers adequate to assure the quality of a forensic laboratory.

(B) For purposes of this section, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 14132(b) of this title.

(3) Use of vouchers or contracts for certain purposes

(A) In general

A grant for the purposes specified in paragraph (1), (2), or (5) of subsection (a) of this section may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

(B) Redemption

A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or for-profit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

(C) Payments

The Attorney General may use amounts authorized under subsection (j) of this section to make payments to a laboratory described under subparagraph (B).

(e) Restrictions on use of funds**(1) Nonsupplanting**

Funds made available pursuant to this section shall not be used to supplant State or local government funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local government sources for the purposes of this Act.

(2) Administrative costs

A State or unit of local government may not use more than 3 percent of the funds it receives from this section for administrative expenses.

(f) Reports to the Attorney General

Each State or unit of local government which receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section is 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; and
- (2) such other information as the Attorney General may require.

(g) Reports to Congress

Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to the Congress a report that includes—

- (1) the aggregate amount of grants made under this section to each State or unit of local government for such fiscal year;
- (2) a summary of the information provided by States or units of local government receiving grants under this section; and
- (3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how such plan will ensure the effective use of DNA technology to solve crimes and protect public safety.

(h) Expenditure records**(1) In general**

Each State or unit of local government which receives a grant under this section shall keep records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

(2) Access

Each State or unit of local government which receives a grant under this section shall

make available, for the purpose of audit and examination, such records as are related to the receipt or use of any such grant.

(i) Definition

For purposes of this section, the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(j) Authorization of appropriations

There are authorized to be appropriated to the Attorney General for grants under subsection (a) \$151,000,000 for each of fiscal years 2009 through 2014.

(k) Use of funds for accreditation and audits

The Attorney General may distribute not more than 1 percent of the grant amounts under subsection (j) of this section—

(1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government in preparing for accreditation or re-accreditation;

(2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community—

(A) to defray the costs of external audits of laboratories operated by such State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;

(B) to assess compliance with any plans submitted to the National Institute of Justice, which detail the use of funds received by States or units of local government under this Act; and

(C) to support future capacity building efforts; and

(3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

(l) Use of funds for other forensic sciences

The Attorney General may award a grant under this section to a State or unit of local government to alleviate a backlog of cases with respect to a forensic science other than DNA analysis if the State or unit of local government—

(1) certifies to the Attorney General that in such State or unit—

(A) all of the purposes set forth in subsection (a) of this section have been met;

(B) a significant backlog of casework is not waiting for DNA analysis; and

(C) there is no need for significant laboratory equipment, supplies, or additional personnel for timely DNA processing of casework or offender samples; and

(2) demonstrates to the Attorney General that such State or unit requires assistance in alleviating a backlog of cases involving a forensic science other than DNA analysis.

(m) External audits and remedial efforts

In the event that a laboratory operated by a State or unit of local government which has received funds under this Act has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of such audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with such standards, the State or unit of local government shall implement any such remediation as soon as practicable.

(Pub. L. 106-546, § 2, Dec. 19, 2000, 114 Stat. 2726; Pub. L. 108-405, title II, §§ 202, 206, Oct. 30, 2004, 118 Stat. 2266, 2272; Pub. L. 109-162, title X, § 1003, Jan. 5, 2006, 119 Stat. 3085; Pub. L. 110-360, § 2, Oct. 8, 2008, 122 Stat. 4008.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (e)(1), (k)(2)(B), and (m), is Pub. L. 106-546, Dec. 19, 2000, 114 Stat. 2726, known as the DNA Analysis Backlog Elimination Act of 2000. For complete classification of this Act to the Code, see Short Title of 2000 Amendments note set out under section 13701 of this title and Tables.

CODIFICATION

Section was enacted as part of the DNA Analysis Backlog Elimination Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2008—Subsec. (c)(3). Pub. L. 110-360, § 2(1)(B), which directed redesignation of subpar. (E) and subpar. (A), was executed by redesignating subpar. (E) as (A), to reflect the probable intent of Congress.

Subsec. (c)(3)(A). Pub. L. 110-360, § 2(1)(A), struck out subpar. (A) which read as follows: “For fiscal year 2005, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.”

Subsec. (c)(3)(B) to (D). Pub. L. 110-360, § 2(1)(A), (C), added subpar. (B) and struck out former subpars. (B) to (D) which read as follows:

“(B) For fiscal year 2006, not less than 50 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

“(C) For fiscal year 2007, not less than 45 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.

“(D) For fiscal year 2008, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.”

Subsec. (j). Pub. L. 110-360, § 2(2), amended subsec. (j) generally. Prior to amendment, subsec. (j) authorized to be appropriated to the Attorney General for grants under subsection (a) \$151,000,000 for each of fiscal years 2005 through 2009.

2006—Subsec. (a)(1). Pub. L. 109-162 substituted “collected under applicable legal authority” for “taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3) of this section)”.

2004—Pub. L. 108-405, § 202(a)(1), substituted “The Debbie Smith DNA Backlog Grant Program” for “Authorization of grants” in section catchline.

Subsec. (a). Pub. L. 108-405, § 202(a)(2)(A), in introductory provisions, inserted “or units of local government” after “eligible States” and “or unit of local government” after “State”.

Subsec. (a)(2). Pub. L. 108-405, § 202(a)(2)(B), inserted “, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect” before period at end.

Subsec. (a)(3). Pub. L. 108-405, § 202(a)(2)(C), (b)(1)(A), struck out “within the State” after “local government” and inserted “(1) or” before “(2)”.

Subsec. (a)(4), (5). Pub. L. 108-405, § 202(b)(1)(B), added pars. (4) and (5).

Subsec. (b). Pub. L. 108-405, § 202(a)(3)(A), in introductory provisions, inserted “or unit of local government” after “State” in two places and “, as required by the Attorney General” after “application shall”.

Subsec. (b)(1). Pub. L. 108-405, § 202(a)(3)(B), inserted “or unit of local government” after “State”.

Subsec. (b)(3). Pub. L. 108-405, § 202(a)(3)(C), inserted “or unit of local government” after “that the State”.

Subsec. (b)(4). Pub. L. 108-405, § 202(a)(3)(D), inserted “or unit of local government” after “State” and struck out “and” at end.

Subsec. (b)(5). Pub. L. 108-405, § 202(a)(3)(E), inserted “or unit of local government” after “State” and substituted semicolon for period at end.

Subsec. (b)(6). Pub. L. 108-405, § 202(a)(3)(F), added par. (6).

Subsec. (b)(7). Pub. L. 108-405, § 202(b)(2), added par. (7).

Subsec. (c). Pub. L. 108-405, § 202(b)(3), amended heading and text of subsec. (c) generally. Prior to amendment, text read as follows: “A State that proposes to allocate grant amounts under paragraph (4) or (5) of subsection (b) of this section for the purposes specified in paragraph (2) or (3) of subsection (a) of this section shall use such allocated amounts to conduct or facilitate DNA analyses of those samples that relate to crimes in connection with which there are no suspects.”

Subsec. (d)(1). Pub. L. 108-405, § 202(a)(4)(A), substituted “A plan pursuant to subsection (b)(1) of this section” for “The plan” in introductory provisions and struck out “within the State” after “local government” in subpars. (A) and (B).

Subsec. (d)(2)(A). Pub. L. 108-405, § 202(a)(4)(B), inserted “and units of local government” after “States”.

Subsec. (d)(3). Pub. L. 108-405, § 206, amended heading and text of par. (3) generally. Prior to amendment, text read as follows: “A grant for the purposes specified in paragraph (1) or (2) of subsection (a) of this section may be made in the form of a voucher for laboratory services, which may be redeemed at a laboratory operated by a private entity approved by the Attorney General that satisfies quality assurance standards. The Attorney General may make payment to such a laboratory for the analysis of DNA samples using amounts authorized for those purposes under subsection (j) of this section.”

Subsec. (e)(1). Pub. L. 108-405, § 202(a)(5)(A), inserted “or local government” after “State” in two places.

Subsec. (e)(2). Pub. L. 108-405, § 202(a)(5)(B), inserted “or unit of local government” after “State”.

Subsec. (f). Pub. L. 108-405, § 202(a)(6), inserted “or unit of local government” after “State” in introductory provisions.

Subsec. (g)(1). Pub. L. 108-405, § 202(a)(7)(A), inserted “or unit of local government” after “State”.

Subsec. (g)(2). Pub. L. 108-405, § 202(a)(7)(B), inserted “or units of local government” after “States”.

Subsec. (g)(3). Pub. L. 108-405, § 202(b)(4), added par. (3).

Subsec. (h). Pub. L. 108-405, § 202(a)(8), inserted “or unit of local government” after “State” in pars. (1) and (2).

Subsec. (j)(1) to (5). Pub. L. 108-405, § 202(b)(5), substituted pars. (1) to (5) for former pars. (1) and (2) which read as follows:

“(1) For grants for the purposes specified in paragraph (1) of such subsection—

“(A) \$15,000,000 for fiscal year 2001;

“(B) \$15,000,000 for fiscal year 2002; and

“(C) \$15,000,000 for fiscal year 2003.

“(2) For grants for the purposes specified in paragraphs (2) and (3) of such subsection—

“(A) \$25,000,000 for fiscal year 2001;

“(B) \$50,000,000 for fiscal year 2002;

“(C) \$25,000,000 for fiscal year 2003; and

“(D) \$25,000,000 for fiscal year 2004.”

Subsec. (k) to (m). Pub. L. 108-405, § 202(b)(6), added subsecs. (k) to (m).

SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES

Pub. L. 106-561, § 4, Dec. 21, 2000, 114 Stat. 2791, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as ‘DNA testing’) has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

“(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

“(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

“(4) DNA testing was not widely available in cases tried prior to 1994;

“(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

“(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

“(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

“(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

“(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

“(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

“(11) only a few States have adopted post-conviction DNA testing procedures;

“(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

“(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

“(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

“(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present impor-

tant evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

“(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State’s agreement to ensure post-conviction DNA testing in appropriate cases; and

“(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.”

Pub. L. 106-546, § 11, Dec. 19, 2000, 114 Stat. 2735, enacted provisions substantially identical to those enacted by Pub. L. 106-561, § 4, set out above.

§ 14135a. Collection and use of DNA identification information from certain Federal offenders

(a) Collection of DNA samples

(1) From individuals in custody

(A) The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested, facing charges, or convicted or from non-United States persons who are detained under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28 and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

(B) The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d) of this section) or a qualifying military offense, as determined under section 1565 of title 10.

(2) From individuals on release, parole, or probation

The probation office responsible for the supervision under Federal law of an individual on probation, parole, or supervised release shall collect a DNA sample from each such individual who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d) of this section) or a qualifying military offense, as determined under section 1565 of title 10.

(3) Individuals already in CODIS

For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as ‘CODIS’) of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, or if a DNA sample has been collected from that individual under section 1565 of title 10, the Attorney General, the Director of the Bureau of Prisons, or the probation office respon-

sible (as applicable) may (but need not) collect a DNA sample from that individual.

(4) Collection procedures

(A) The Attorney General, the Director of the Bureau of Prisons, or the probation office responsible (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Attorney General, the Director of the Bureau of Prisons, or the probation office, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) Criminal penalty

An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

- (A) guilty of a class A misdemeanor; and
- (B) punished in accordance with title 18.

(b) Analysis and use of samples

The Attorney General, the Director of the Bureau of Prisons, or the probation office responsible (as applicable) shall furnish each DNA sample collected under subsection (a) of this section to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) Definitions

In this section:

- (1) The term “DNA sample” means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.
- (2) The term “DNA analysis” means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) Qualifying Federal offenses

The offenses that shall be treated for purposes of this section as qualifying Federal offenses are the following offenses, as determined by the Attorney General:

- (1) Any felony.
- (2) Any offense under chapter 109A of title 18.
- (3) Any crime of violence (as that term is defined in section 16 of title 18).
- (4) Any attempt or conspiracy to commit any of the offenses in paragraphs (1) through (3).

(e) Regulations

(1) In general

Except as provided in paragraph (2), this section shall be carried out under regulations prescribed by the Attorney General.

(2) Probation officers

The Director of the Administrative Office of the United States Courts shall make available model procedures for the activities of probation officers in carrying out this section.

(f) Commencement of collection

Collection of DNA samples under subsection (a) of this section shall, subject to the availabil-

ity of appropriations, commence not later than the date that is 180 days after December 19, 2000.

(Pub. L. 106-546, §3, Dec. 19, 2000, 114 Stat. 2728; Pub. L. 107-56, title V, §503, Oct. 26, 2001, 115 Stat. 364; Pub. L. 108-405, title II, §203(b), Oct. 30, 2004, 118 Stat. 2270; Pub. L. 109-162, title X, §1004(a), Jan. 5, 2006, 119 Stat. 3085; Pub. L. 109-248, title I, §155, July 27, 2006, 120 Stat. 611.)

CODIFICATION

Section was enacted as part of the DNA Analysis Backlog Elimination Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-162, §1004(a)(1), added subpar. (A) and designated existing provisions as subpar. (B).

Subsec. (a)(1)(A). Pub. L. 109-248 substituted “arrested, facing charges, or convicted” for “arrested”.

Subsec. (a)(3), (4). Pub. L. 109-162, §1004(a)(1)(B), substituted “Attorney General, the Director of the Bureau of Prisons,” for “Director of the Bureau of Prisons” in par. (3) and subpars. (A) and (B) of par. (4).

Subsec. (b). Pub. L. 109-162, §1004(a)(2), substituted “Attorney General, the Director of the Bureau of Prisons,” for “Director of the Bureau of Prisons”.

2004—Subsec. (d). Pub. L. 108-405 reenacted heading without change and amended text generally, substituting pars. (1) to (4) for former pars. (1) and (2) with multiple subpars. listing specific offenses.

2001—Subsec. (d)(2). Pub. L. 107-56 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The initial determination of qualifying Federal offenses shall be made not later than 120 days after December 19, 2000.”

§ 14135b. Collection and use of DNA identification information from certain District of Columbia offenders

(a) Collection of DNA samples

(1) From individuals in custody

The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d) of this section).

(2) From individuals on release, parole, or probation

The Director of the Court Services and Offender Supervision Agency for the District of Columbia shall collect a DNA sample from each individual under the supervision of the Agency who is on supervised release, parole, or probation who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d) of this section).

(3) Individuals already in CODIS

For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as “CODIS”) of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, the Director of the Bureau of Prisons or Agency (as applicable) may (but need not) collect a DNA sample from that individual.

(4) Collection procedures

(A) The Director of the Bureau of Prisons or Agency (as applicable) may use or authorize

the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or Agency, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) Criminal penalty

An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

- (A) guilty of a class A misdemeanor; and
- (B) punished in accordance with title 18.

(b) Analysis and use of samples

The Director of the Bureau of Prisons or Agency (as applicable) shall furnish each DNA sample collected under subsection (a) of this section to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) Definitions

In this section:

- (1) The term “DNA sample” means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.
- (2) The term “DNA analysis” means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) Qualifying District of Columbia offenses

The government of the District of Columbia may determine those offenses under the District of Columbia Code that shall be treated for purposes of this section as qualifying District of Columbia offenses.

(e) Commencement of collection

Collection of DNA samples under subsection (a) of this section shall, subject to the availability of appropriations, commence not later than the date that is 180 days after December 19, 2000.

(f) Authorization of appropriations

There are authorized to be appropriated to the Court Services and Offender Supervision Agency for the District of Columbia to carry out this section such sums as may be necessary for each of fiscal years 2001 through 2005.

(Pub. L. 106-546, §4, Dec. 19, 2000, 114 Stat. 2730.)

CODIFICATION

Section was enacted as part of the DNA Analysis Backlog Elimination Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14135c. Conditions of release generally

If the collection of a DNA sample from an individual on probation, parole, or supervised release is authorized pursuant to section 14135a or 14135b of this title or section 1565 of title 10, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(Pub. L. 106-546, §7(d), Dec. 19, 2000, 114 Stat. 2734.)

CODIFICATION

Section was enacted as part of the DNA Analysis Backlog Elimination Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14135d. Authorization of appropriations

There are authorized to be appropriated to the Attorney General to carry out this Act (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such Act, as determined by the Attorney General) such sums as may be necessary.

(Pub. L. 106-546, §9, Dec. 19, 2000, 114 Stat. 2735.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 106-546, Dec. 19, 2000, 114 Stat. 2726, known as the DNA Analysis Backlog Elimination Act of 2000. For complete classification of this Act to the Code, see Short Title of 2000 Amendments note set out under section 13701 of this title and Tables.

CODIFICATION

Section was enacted as part of the DNA Analysis Backlog Elimination Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14135e. Privacy protection standards

(a) In general

Except as provided in subsection (b) of this section, any sample collected under, or any result of any analysis carried out under, section 14135, 14135a, or 14135b of this title may be used only for a purpose specified in such section.

(b) Permissive uses

A sample or result described in subsection (a) of this section may be disclosed under the circumstances under which disclosure of information included in the Combined DNA Index System is allowed, as specified in subparagraphs (A) through (D) of section 14132(b)(3) of this title.

(c) Criminal penalty

A person who knowingly discloses a sample or result described in subsection (a) of this section in any manner to any person not authorized to receive it, or obtains or uses, without authorization, such sample or result, shall be fined not more than \$250,000, or imprisoned for a period of not more than one year. Each instance of disclosure, obtaining, or use shall constitute a separate offense under this subsection.

(Pub. L. 106-546, §10, Dec. 19, 2000, 114 Stat. 2735; Pub. L. 108-405, title II, §203(e)(2), title III, §309, Oct. 30, 2004, 118 Stat. 2271, 2275.)

CODIFICATION

Section was enacted as part of the DNA Analysis Backlog Elimination Act of 2000, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-405, §309, reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “A person who knowingly—

“(1) discloses a sample or result described in subsection (a) of this section in any manner to any person not authorized to receive it; or

“(2) obtains, without authorization, a sample or result described in subsection (a) of this section, shall be fined not more than \$250,000, or imprisoned for a period of not more than one year, or both.”

Pub. L. 108-405, §203(e)(2), substituted “\$250,000, or imprisoned for a period of not more than one year, or both” for “\$100,000” in concluding provisions.

§ 14136. DNA training and education for law enforcement, correctional personnel, and court officers

(a) In general

The Attorney General shall make grants to provide training, technical assistance, education, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by—

- (1) law enforcement personnel, including police officers and other first responders, evidence technicians, investigators, and others who collect or examine evidence of crime;
- (2) court officers, including State and local prosecutors, defense lawyers, and judges;
- (3) forensic science professionals; and
- (4) corrections personnel, including prison and jail personnel, and probation, parole, and other officers involved in supervision.

(b) Authorization of appropriations

There are authorized to be appropriated \$12,500,000 for each of fiscal years 2009 through 2014 to carry out this section.

(Pub. L. 108-405, title III, §303, Oct. 30, 2004, 118 Stat. 2273; Pub. L. 110-360, §3, Oct. 8, 2008, 122 Stat. 4008.)

CODIFICATION

Section was enacted as part of the DNA Sexual Assault Justice Act of 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-360 substituted “2009 through 2014” for “2005 through 2009”.

INCENTIVE GRANTS TO STATES TO ENSURE CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE

Pub. L. 108-405, title IV, §413, Oct. 30, 2004, 118 Stat. 2285, provided that: “For each of fiscal years 2005 through 2009, all funds appropriated to carry out sections 303, 305, 308, and 412 [sections 14136, 14136b, 14136d, and 14136e of this title] shall be reserved for grants to eligible entities that—

“(1) meet the requirements under section 303, 305, 308, or 412, as appropriate; and

“(2) demonstrate that the State in which the eligible entity operates—

“(A) provides post-conviction DNA testing of specified evidence—

“(i) under a State statute enacted before the date of enactment of this Act [Oct. 30, 2004] (or extended or renewed after such date), to persons convicted after trial and under a sentence of imprisonment or death for a State felony offense, in a manner that ensures a reasonable process for resolving claims of actual innocence; or

“(ii) under a State statute enacted after the date of enactment of this Act, or under a State rule, regulation, or practice, to persons under a sentence of imprisonment or death for a State felony offense, in a manner comparable to section 3600(a) of title 18, United States Code (provided that the State statute, rule, regulation, or prac-

tice may make post-conviction DNA testing available in cases in which such testing is not required by such section), and if the results of such testing exclude the applicant, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar such application as untimely; and

“(B) preserves biological evidence secured in relation to the investigation or prosecution of a State offense—

“(i) under a State statute or a State or local rule, regulation, or practice, enacted or adopted before the date of enactment of this Act (or extended or renewed after such date), in a manner that ensures that reasonable measures are taken by all jurisdictions within the State to preserve such evidence; or

“(ii) under a State statute or a State or local rule, regulation, or practice, enacted or adopted after the date of enactment of this Act, in a manner comparable to section 3600A of title 18, United States Code, if—

“(I) all jurisdictions within the State comply with this requirement; and

“(II) such jurisdictions may preserve such evidence for longer than the period of time that such evidence would be required to be preserved under such section 3600A.”

§ 14136a. Sexual assault forensic exam program grants

(a) In general

The Attorney General shall make grants to eligible entities to provide training, technical assistance, education, equipment, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by medical personnel and other personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other professionals involved in treating victims of sexual assault and sexual assault examination programs, including SANE (Sexual Assault Nurse Examiner), SAFE (Sexual Assault Forensic Examiner), and SART (Sexual Assault Response Team).

(b) Eligible entity

For purposes of this section, the term “eligible entity” includes—

- (1) States;
- (2) units of local government; and
- (3) sexual assault examination programs, including—

(A) sexual assault nurse examiner (SANE) programs;

(B) sexual assault forensic examiner (SAFE) programs;

(C) sexual assault response team (SART) programs;

(D) State sexual assault coalitions;

(E) medical personnel, including doctors, medical examiners, coroners, and nurses, involved in treating victims of sexual assault; and

(F) victim service providers involved in treating victims of sexual assault.

(c) Authorization of appropriations

There are authorized to be appropriated \$30,000,000 for each of fiscal years 2009 through 2014 to carry out this section.

(Pub. L. 108-405, title III, §304, Oct. 30, 2004, 118 Stat. 2273; Pub. L. 110-360, §4, Oct. 8, 2008, 122 Stat. 4009.)

CODIFICATION

Section was enacted as part of the DNA Sexual Assault Justice Act of 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-360 substituted “2009 through 2014” for “2005 through 2009”.

§ 14136b. DNA research and development**(a) Improving DNA technology**

The Attorney General shall make grants for research and development to improve forensic DNA technology, including increasing the identification accuracy and efficiency of DNA analysis, decreasing time and expense, and increasing portability.

(b) Demonstration projects

The Attorney General shall make grants to appropriate entities under which research is carried out through demonstration projects involving coordinated training and commitment of resources to law enforcement agencies and key criminal justice participants to demonstrate and evaluate the use of forensic DNA technology in conjunction with other forensic tools. The demonstration projects shall include scientific evaluation of the public safety benefits, improvements to law enforcement operations, and cost-effectiveness of increased collection and use of DNA evidence.

(c) Authorization of appropriations

There are authorized to be appropriated \$15,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

(Pub. L. 108-405, title III, §305, Oct. 30, 2004, 118 Stat. 2273.)

CODIFICATION

Section was enacted as part of the DNA Sexual Assault Justice Act of 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14136c. National Forensic Science Commission**(a) Appointment**

The Attorney General shall appoint a National Forensic Science Commission (in this section referred to as the “Commission”), composed of persons experienced in criminal justice issues, including persons from the forensic science and criminal justice communities, to carry out the responsibilities under subsection (b) of this section.

(b) Responsibilities

The Commission shall—

- (1) assess the present and future resource needs of the forensic science community;
- (2) make recommendations to the Attorney General for maximizing the use of forensic technologies and techniques to solve crimes and protect the public;
- (3) identify potential scientific advances that may assist law enforcement in using forensic technologies and techniques to protect the public;

(4) make recommendations to the Attorney General for programs that will increase the number of qualified forensic scientists available to work in public crime laboratories;

(5) disseminate, through the National Institute of Justice, best practices concerning the collection and analyses of forensic evidence to help ensure quality and consistency in the use of forensic technologies and techniques to solve crimes and protect the public;

(6) examine additional issues pertaining to forensic science as requested by the Attorney General;

(7) examine Federal, State, and local privacy protection statutes, regulations, and practices relating to access to, or use of, stored DNA samples or DNA analyses, to determine whether such protections are sufficient;

(8) make specific recommendations to the Attorney General, as necessary, to enhance the protections described in paragraph (7) to ensure—

(A) the appropriate use and dissemination of DNA information;

(B) the accuracy, security, and confidentiality of DNA information;

(C) the timely removal and destruction of obsolete, expunged, or inaccurate DNA information; and

(D) that any other necessary measures are taken to protect privacy; and

(9) provide a forum for the exchange and dissemination of ideas and information in furtherance of the objectives described in paragraphs (1) through (8).

(c) Personnel; procedures

The Attorney General shall—

(1) designate the Chair of the Commission from among its members;

(2) designate any necessary staff to assist in carrying out the functions of the Commission; and

(3) establish procedures and guidelines for the operations of the Commission.

(d) Authorization of appropriations

There are authorized to be appropriated \$500,000 for each of fiscal years 2005 through 2009 to carry out this section.

(Pub. L. 108-405, title III, §306, Oct. 30, 2004, 118 Stat. 2274.)

CODIFICATION

Section was enacted as part of the DNA Sexual Assault Justice Act of 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14136d. DNA identification of missing persons**(a) In general**

The Attorney General shall make grants to promote the use of forensic DNA technology to identify missing persons and unidentified human remains.

(b) Requirement

Each State or unit of local government that receives funding under this section shall be required to submit the DNA profiles of such miss-

ing persons and unidentified human remains to the National Missing Persons DNA Database of the Federal Bureau of Investigation.

(c) Authorization of appropriations

There are authorized to be appropriated \$2,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

(Pub. L. 108-405, title III, §308, Oct. 30, 2004, 118 Stat. 2275.)

CODIFICATION

Section was enacted as part of the DNA Sexual Assault Justice Act of 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14136e. Kirk Bloodsworth Post-Conviction DNA Testing Grant Program

(a) In general

The Attorney General shall establish the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program to award grants to States to help defray the costs of post-conviction DNA testing.

(b) Authorization of appropriations

There are authorized to be appropriated \$5,000,000 for each of fiscal years 2005 through 2009 to carry out this section.

(c) State defined

For purposes of this section, the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(Pub. L. 108-405, title IV, §412, Oct. 30, 2004, 118 Stat. 2284.)

CODIFICATION

Section was enacted as part of the Innocence Protection Act 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

PART B—POLICE PATTERN OR PRACTICE

§ 14141. Cause of action

(a) Unlawful conduct

It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) Civil action by Attorney General

Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1)¹ has occurred, the Attorney General,

¹ So in original. Probably should be “subsection (a) of this section”.

for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(Pub. L. 103-322, title XXI, §210401, Sept. 13, 1994, 108 Stat. 2071.)

§ 14142. Data on use of excessive force

(a) Attorney General to collect

The Attorney General shall, through appropriate means, acquire data about the use of excessive force by law enforcement officers.

(b) Limitation on use of data

Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of the victim or any law enforcement officer.

(c) Annual summary

The Attorney General shall publish an annual summary of the data acquired under this section.

(Pub. L. 103-322, title XXI, §210402, Sept. 13, 1994, 108 Stat. 2071.)

PART C—IMPROVED TRAINING AND TECHNICAL AUTOMATION

§ 14151. Repealed. Pub. L. 109-162, title XI, § 1154(b)(3), Jan. 5, 2006, 119 Stat. 3113

Section, Pub. L. 103-322, title XXI, §210501, Sept. 13, 1994, 108 Stat. 2072, related to grants for the purposes of improving criminal justice agency efficiency through computerized automation and technological improvements, directed the expansion and improvement of training and investigative assistance, authorized appropriations, and defined terms.

PART D—OTHER STATE AND LOCAL AID

§ 14161. Repealed. Pub. L. 109-162, title XI, § 1154(b)(4), Jan. 5, 2006, 119 Stat. 3113

Section, Pub. L. 103-322, title XXI, §210602, Sept. 13, 1994, 108 Stat. 2073, related to federal assistance to ease increased burdens on State court systems and authorized appropriations.

PART E—IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES

§ 14163. Capital representation improvement grants

(a) In general

The Attorney General shall award grants to States for the purpose of improving the quality of legal representation provided to indigent defendants in State capital cases.

(b) Defined term

In this section, the term “legal representation” means legal counsel and investigative, expert, and other services necessary for competent representation.

(c) Use of funds

Grants awarded under subsection (a) of this section—

(1) shall be used to establish, implement, or improve an effective system for providing competent legal representation to—

(A) indigents charged with an offense subject to capital punishment;

(B) indigents who have been sentenced to death and who seek appellate or collateral relief in State court; and

(C) indigents who have been sentenced to death and who seek review in the Supreme Court of the United States; and

(2) shall not be used to fund, directly or indirectly, representation in specific capital cases.

(d) Apportionment of funds

(1) In general

Of the funds awarded under subsection (a) of this section—

(A) not less than 75 percent shall be used to carry out the purpose described in subsection (c)(1)(A) of this section; and

(B) not more than 25 percent shall be used to carry out the purpose described in subsection (c)(1)(B) of this section.

(2) Waiver

The Attorney General may waive the requirement under this subsection for good cause shown.

(e) Effective system

As used in subsection (c)(1) of this section, an effective system for providing competent legal representation is a system that—

(1) invests the responsibility for appointing qualified attorneys to represent indigents in capital cases—

(A) in a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases;

(B) in an entity established by statute or by the highest State court with jurisdiction in criminal cases, which is composed of individuals with demonstrated knowledge and expertise in capital cases, except for individuals currently employed as prosecutors; or

(C) pursuant to a statutory procedure enacted before October 30, 2004, under which the trial judge is required to appoint qualified attorneys from a roster maintained by a State or regional selection committee or similar entity; and

(2) requires the program described in paragraph (1)(A), the entity described in paragraph (1)(B), or an appropriate entity designated pursuant to the statutory procedure described in paragraph (1)(C), as applicable, to—

(A) establish qualifications for attorneys who may be appointed to represent indigents in capital cases;

(B) establish and maintain a roster of qualified attorneys;

(C) except in the case of a selection committee or similar entity described in paragraph (1)(C), assign 2 attorneys from the roster to represent an indigent in a capital case, or provide the trial judge a list of not more than 2 pairs of attorneys from the roster, from which 1 pair shall be assigned, provided that, in any case in which the State elects not to seek the death penalty, a court may find, subject to any requirement of State law, that a second attorney need not

remain assigned to represent the indigent to ensure competent representation;

(D) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases;

(E)(i) monitor the performance of attorneys who are appointed and their attendance at training programs; and

(ii) remove from the roster attorneys who—

(I) fail to deliver effective representation or engage in unethical conduct;

(II) fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs; or

(III) during the past 5 years, have been sanctioned by a bar association or court for ethical misconduct relating to the attorney's conduct as defense counsel in a criminal case in Federal or State court; and

(F) ensure funding for the cost of competent legal representation by the defense team and outside experts selected by counsel, who shall be compensated—

(i) in the case of a State that employs a statutory procedure described in paragraph (1)(C), in accordance with the requirements of that statutory procedure; and

(ii) in all other cases, as follows:

(I) Attorneys employed by a public defender program shall be compensated according to a salary scale that is commensurate with the salary scale of the prosecutor's office in the jurisdiction.

(II) Appointed attorneys shall be compensated for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases.

(III) Non-attorney members of the defense team, including investigators, mitigation specialists, and experts, shall be compensated at a rate that reflects the specialized skills needed by those who assist counsel with the litigation of death penalty cases.

(IV) Attorney and non-attorney members of the defense team shall be reimbursed for reasonable incidental expenses.

(Pub. L. 108-405, title IV, §421, Oct. 30, 2004, 118 Stat. 2286.)

CODIFICATION

Section was enacted as part of the Innocence Protection Act 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14163a. Capital prosecution improvement grants

(a) In general

The Attorney General shall award grants to States for the purpose of enhancing the ability of prosecutors to effectively represent the public in State capital cases.

(b) Use of funds

(1) Permitted uses

Grants awarded under subsection (a) of this section shall be used for one or more of the following:

(A) To design and implement training programs for State and local prosecutors to ensure effective representation in State capital cases.

(B) To develop and implement appropriate standards and qualifications for State and local prosecutors who litigate State capital cases.

(C) To assess the performance of State and local prosecutors who litigate State capital cases, provided that such assessment shall not include participation by the assessor in the trial of any specific capital case.

(D) To identify and implement any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases.

(E) To establish a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate.

(F) To provide support and assistance to the families of murder victims.

(2) Prohibited use

Grants awarded under subsection (a) of this section shall not be used to fund, directly or indirectly, the prosecution of specific capital cases.

(Pub. L. 108-405, title IV, § 422, Oct. 30, 2004, 118 Stat. 2288.)

CODIFICATION

Section was enacted as part of the Innocence Protection Act 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14163b. Applications

(a) In general

The Attorney General shall establish a process through which a State may apply for a grant under this part.

(b) Application

(1) In general

A State desiring a grant under this part shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(2) Contents

Each application submitted under paragraph (1) shall contain—

(A) a certification by an appropriate officer of the State that the State authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought;

(B) a description of the communities to be served by the grant, including the nature of existing capital defender services and capital prosecution programs within such communities;

(C) a long-term statewide strategy and detailed implementation plan that—

(i) reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations; and

(ii) establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes;

(D) in the case of a State that employs a statutory procedure described in section 14163(e)(1)(C) of this title, a certification by an appropriate officer of the State that the State is in substantial compliance with the requirements of the applicable State statute; and

(E) assurances that Federal funds received under this part shall be—

(i) used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under this part; and

(ii) allocated in accordance with section 14163e(b) of this title.

(Pub. L. 108-405, title IV, § 423, Oct. 30, 2004, 118 Stat. 2288.)

CODIFICATION

Section was enacted as part of the Innocence Protection Act 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14163c. State reports

(a) In general

Each State receiving funds under this part shall submit an annual report to the Attorney General that—

(1) identifies the activities carried out with such funds; and

(2) explains how each activity complies with the terms and conditions of the grant.

(b) Capital representation improvement grants

With respect to the funds provided under section 14163 of this title, a report under subsection (a) of this section shall include—

(1) an accounting of all amounts expended;

(2) an explanation of the means by which the State—

(A) invests the responsibility for identifying and appointing qualified attorneys to represent indigents in capital cases in a program described in section 14163(e)(1)(A) of this title, an entity described in section 14163(e)(1)(B) of this title, or a selection committee or similar entity described in section 14163(e)(1)(C) of this title; and

(B) requires such program, entity, or selection committee or similar entity, or other appropriate entity designated pursuant to the statutory procedure described in section 14163(e)(1)(C) of this title, to—

(i) establish qualifications for attorneys who may be appointed to represent indigents in capital cases in accordance with section 14163(e)(2)(A) of this title;

(ii) establish and maintain a roster of qualified attorneys in accordance with section 14163(e)(2)(B) of this title;

(iii) assign attorneys from the roster in accordance with section 14163(e)(2)(C) of this title;

(iv) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases in accordance with section 14163(e)(2)(D) of this title;

(v) monitor the performance and training program attendance of appointed attorneys, and remove from the roster attorneys who fail to deliver effective representation or fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs, in accordance with section 14163(e)(2)(E) of this title; and

(vi) ensure funding for the cost of competent legal representation by the defense team and outside experts selected by counsel, in accordance with section 14163(e)(2)(F) of this title, including a statement setting forth—

(I) if the State employs a public defender program under section 14163(e)(1)(A) of this title, the salaries received by the attorneys employed by such program and the salaries received by attorneys in the prosecutor's office in the jurisdiction;

(II) if the State employs appointed attorneys under section 14163(e)(1)(B) of this title, the hourly fees received by such attorneys for actual time and service and the basis on which the hourly rate was calculated;

(III) the amounts paid to non-attorney members of the defense team, and the basis on which such amounts were determined; and

(IV) the amounts for which attorney and non-attorney members of the defense team were reimbursed for reasonable incidental expenses;

(3) in the case of a State that employs a statutory procedure described in section 14163(e)(1)(C) of this title, an assessment of the extent to which the State is in compliance with the requirements of the applicable State statute; and

(4) a statement confirming that the funds have not been used to fund representation in specific capital cases or to supplant non-Federal funds.

(c) Capital prosecution improvement grants

With respect to the funds provided under section 14163a of this title, a report under subsection (a) of this section shall include—

(1) an accounting of all amounts expended;

(2) a description of the means by which the State has—

(A) designed and established training programs for State and local prosecutors to ensure effective representation in State capital cases in accordance with section 14163a(b)(1)(A) of this title;

(B) developed and implemented appropriate standards and qualifications for State and local prosecutors who litigate State capital cases in accordance with section 14163a(b)(1)(B) of this title;

(C) assessed the performance of State and local prosecutors who litigate State capital cases in accordance with section 14163a(b)(1)(C) of this title;

(D) identified and implemented any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases in accordance with section 14163a(b)(1)(D) of this title;

(E) established a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate in accordance with section 14163a(b)(1)(E) of this title; and

(F) provided support and assistance to the families of murder victims; and

(3) a statement confirming that the funds have not been used to fund the prosecution of specific capital cases or to supplant non-Federal funds.

(d) Public disclosure of annual State reports

The annual reports to the Attorney General submitted by any State under this section shall be made available to the public.

(Pub. L. 108–405, title IV, §424, Oct. 30, 2004, 118 Stat. 2289.)

CODIFICATION

Section was enacted as part of the Innocence Protection Act 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14163d. Evaluations by Inspector General and administrative remedies

(a) Evaluation by Inspector General

(1) In general

As soon as practicable after the end of the first fiscal year for which a State receives funds under a grant made under this part, the Inspector General of the Department of Justice (in this section referred to as the "Inspector General") shall—

(A) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report evaluating the compliance by the State with the terms and conditions of the grant; and

(B) if the Inspector General concludes that the State is not in compliance with the terms and conditions of the grant, specify any deficiencies and make recommendations

to the Attorney General for corrective action.

(2) Priority

In conducting evaluations under this subsection, the Inspector General shall give priority to States that the Inspector General determines, based on information submitted by the State and other comments provided by any other person, to be at the highest risk of non-compliance.

(3) Determination for statutory procedure States

For each State that employs a statutory procedure described in section 14163(e)(1)(C) of this title, the Inspector General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, not later than the end of the first fiscal year for which such State receives funds, a determination as to whether the State is in substantial compliance with the requirements of the applicable State statute.

(4) Comments from public

The Inspector General shall receive and consider comments from any member of the public regarding any State's compliance with the terms and conditions of a grant made under this part. To facilitate the receipt of such comments, the Inspector General shall maintain on its website a form that any member of the public may submit, either electronically or otherwise, providing comments. The Inspector General shall give appropriate consideration to all such public comments in reviewing reports submitted under section 14163c of this title or in establishing the priority for conducting evaluations under this section.

(b) Administrative review

(1) Comment

Upon the submission of a report under subsection (a)(1) of this section or a determination under subsection (a)(3) of this section, the Attorney General shall provide the State with an opportunity to comment regarding the findings and conclusions of the report or the determination.

(2) Corrective action plan

If the Attorney General, after reviewing a report under subsection (a)(1) of this section or a determination under subsection (a)(3) of this section, determines that a State is not in compliance with the terms and conditions of the grant, the Attorney General shall consult with the appropriate State authorities to enter into a plan for corrective action. If the State does not agree to a plan for corrective action that has been approved by the Attorney General within 90 days after the submission of the report under subsection (a)(1) of this section or the determination under subsection (a)(3) of this section, the Attorney General shall, within 30 days, issue guidance to the State regarding corrective action to bring the State into compliance.

(3) Report to Congress

Not later than 90 days after the earlier of the implementation of a corrective action plan

or the issuance of guidance under paragraph (2), the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate as to whether the State has taken corrective action and is in compliance with the terms and conditions of the grant.

(c) Penalties for noncompliance

If the State fails to take the prescribed corrective action under subsection (b) of this section and is not in compliance with the terms and conditions of the grant, the Attorney General shall discontinue all further funding under sections 14163 and 14163a of this title and require the State to return the funds granted under such sections for that fiscal year. Nothing in this paragraph shall prevent a State which has been subject to penalties for noncompliance from re-applying for a grant under this part in another fiscal year.

(d) Periodic reports

During the grant period, the Inspector General shall periodically review the compliance of each State with the terms and conditions of the grant.

(e) Administrative costs

Not less than 2.5 percent of the funds appropriated to carry out this part for each of fiscal years 2005 through 2009 shall be made available to the Inspector General for purposes of carrying out this section. Such sums shall remain available until expended.

(f) Special rule for "statutory procedure" States not in substantial compliance with statutory procedures

(1) In general

In the case of a State that employs a statutory procedure described in section 14163(e)(1)(C) of this title, if the Inspector General submits a determination under subsection (a)(3) of this section that the State is not in substantial compliance with the requirements of the applicable State statute, then for the period beginning with the date on which that determination was submitted and ending on the date on which the Inspector General determines that the State is in substantial compliance with the requirements of that statute, the funds awarded under this part shall be allocated solely for the uses described in section 14163 of this title.

(2) Rule of construction

The requirements of this subsection apply in addition to, and not instead of, the other requirements of this section.

(Pub. L. 108-405, title IV, §425, Oct. 30, 2004, 118 Stat. 2291.)

CODIFICATION

Section was enacted as part of the Innocence Protection Act 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 14163e. Authorization of appropriations**(a) Authorization for grants**

There are authorized to be appropriated \$75,000,000 for each of fiscal years 2005 through 2009 to carry out this part.

(b) Restriction on use of funds to ensure equal allocation

Each State receiving a grant under this part shall allocate the funds equally between the uses described in section 14163 of this title and the uses described in section 14163a of this title, except as provided in section 14163d(f) of this title.

(Pub. L. 108-405, title IV, § 426, Oct. 30, 2004, 118 Stat. 2292.)

CODIFICATION

Section was enacted as part of the Innocence Protection Act 2004 and also as part of the Justice for All Act of 2004, and not as part of Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

SUBCHAPTER X—MOTOR VEHICLE THEFT PREVENTION

§ 14171. Motor vehicle theft prevention program**(a) In general**

Not later than 180 days after September 13, 1994, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the “program”) under which—

(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner’s vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) Uniform decal or device designs**(1) In general**

The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

(2) Type of design

The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) Voluntary consent form

The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

(4) include any additional information that the Attorney General may reasonably require.

(d) Specified conditions under which stops may be authorized**(1) In general**

The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may not be based on race, creed, color, national origin, gender, or age. These conditions may include—

(A) the operation of the vehicle during certain hours of the day; or

(B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner.

(2) More than one set of conditions

The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

(3) No new conditions without consent

After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner.

(4) Limited participation by States and localities

A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

(e) Motor vehicles for hire**(1) Notification to lessees**

Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

(2) Type of notice

The notice required by this subsection shall—

- (A) be in writing;
- (B) be in a prominent format to be determined by the Attorney General; and
- (C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

(3) Fine for failure to provide notice

Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed \$5,000.

(f) Notification of police

As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

(g) Regulations

The Attorney General shall promulgate regulations to implement this section.

(h) Authorization of appropriations

There are authorized to carry out this section.¹

- (1) \$1,500,000 for fiscal year 1996;
- (2) \$1,700,000 for fiscal year 1997; and
- (3) \$1,800,000 for fiscal year 1998.

(Pub. L. 103-322, title XXII, §220002, Sept. 13, 1994, 108 Stat. 2074.)

SHORT TITLE

For short title of this subchapter as the "Motor Vehicle Theft Prevention Act", see section 220001 of Pub. L. 103-322, set out as a note under section 13701 of this title.

SUBCHAPTER XI—PROTECTIONS FOR THE ELDERLY

§ 14181. Missing Alzheimer's Disease Patient Alert Program**(a) Grant**

The Attorney General shall, subject to the availability of appropriations, award a grant to

an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) Application

To be eligible to receive a grant under subsection (a) of this section, an organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) Eligible organization

The Attorney General shall award the grant described in subsection (a) of this section to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) Authorization of appropriations

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

- (1) \$900,000 for fiscal year 1996;
- (2) \$900,000 for fiscal year 1997; and
- (3) \$900,000 for fiscal year 1998.

(Pub. L. 103-322, title XXIV, §240001, Sept. 13, 1994, 108 Stat. 2080.)

SUBCHAPTER XII—PRESIDENTIAL SUMMIT ON VIOLENCE AND NATIONAL COMMISSION ON CRIME PREVENTION AND CONTROL

§ 14191. Presidential summit

Congress calls on the President to convene a national summit on violence in America prior to convening the Commission established under this subchapter.

(Pub. L. 103-322, title XXVII, §270001, Sept. 13, 1994, 108 Stat. 2089.)

§ 14192. Establishment; committees and task forces; representation**(a) Establishment and appointment of members**

There is established a commission to be known as the "National Commission on Crime Control and Prevention". The Commission shall be composed of 28 members appointed as follows:

- (1) 10 persons by the President, not more than 6 of whom shall be of the same major political party.
- (2) 9 persons by the President pro tempore of the Senate, 5 of whom shall be appointed on the recommendation of the Majority Leader of the Senate and the chairman of the Committee on the Judiciary of the Senate, and 4 of whom shall be appointed on the recommendation of the Minority Leader of the Senate and the ranking minority member of the Committee on the Judiciary of the Senate.
- (3) 9 persons appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on the Judici-

¹ So in original. The period probably should be a dash.

ary of the House of Representatives, and 4 of whom shall be appointed on the recommendation of the Minority Leader of the House of Representatives, in consultation with the ranking member of the Committee on the Judiciary.

(b) Committees and task forces

The Commission shall establish committees or task forces from among its members for the examination of specific subject areas and the carrying out of other functions or responsibilities of the Commission, including committees or task forces for the examination of the subject areas of crime and violence generally, the causes of the demand for drugs, violence in schools, and violence against women, as described in subsections (b) through (e) of section 14194 of this title.

(c) Representation

(1) At least 1 member of the Commission appointed by the President, at least 2 members of the Commission appointed by the President pro tempore of the Senate, and at least 2 members of the Commission appointed by the Speaker of the House of Representatives shall be persons well-qualified to participate in the Commission's examination of the subject area of crime and violence generally, with education, training, expertise, or experience in such areas as law enforcement, law, sociology, psychology, social work, and ethnography and urban poverty (including health care, housing, education, and employment).

(2) At least 1 member of the Commission appointed by the President, at least 2 members of the Commission appointed by the President pro tempore of the Senate, and at least 2 members of the Commission appointed by the Speaker of the House of Representatives shall be persons well-qualified to participate in the Commission's examination of the subject area of the causes of the demand for drugs, with education, training, expertise, or experience in such areas as addiction, biomedicine, sociology, psychology, law, and ethnography and urban poverty (including health care, housing, education, and employment).

(3) At least 1 member of the Commission appointed by the President, at least 2 members of the Commission appointed by the President pro tempore of the Senate, and at least 2 members of the Commission appointed by the Speaker of the House of Representatives shall be persons well-qualified to participate in the Commission's examination of the subject area of violence in schools, with education, training, expertise, or experience in such areas as law enforcement, education, school governance policy and teaching, law, sociology, psychology, and ethnography and urban poverty (including health care, housing, education, and employment).

(4) At least 1 member of the Commission appointed by the President, at least 2 members of the Commission appointed by the President pro tempore of the Senate, and at least 2 members of the Commission appointed by the Speaker of the House of Representatives shall be persons well-qualified to participate in the Commission's examination of the subject area of violence against women, as survivors of violence, or

as persons with education, training, expertise, or experience in such areas as law enforcement, law, judicial administration, prosecution, defense, victim services or advocacy in sexual assault or domestic violence cases (including medical services and counseling), and protection of victims' rights.

(Pub. L. 103-322, title XXVII, §270002, Sept. 13, 1994, 108 Stat. 2089.)

§ 14193. Purposes

The purposes of the Commission are as follows:

(1) To develop a comprehensive proposal for preventing and controlling crime and violence in the United States, including cost estimates for implementing any recommendations made by the Commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas for controlling and preventing crime.

(4) To recommend improvements in the coordination of local, State, Federal, and international crime control and prevention efforts, including efforts relating to crime near international borders.

(5) To make a comprehensive study of the economic and social factors leading to or contributing to crime and violence, including the causes of illicit drug use and other substance abuse, and to develop specific proposals for legislative and administrative actions to reduce crime and violence and the factors that contribute to it.

(6) To recommend means of utilizing criminal justice resources as effectively as possible, including targeting finite correctional facility space to the most serious and violent offenders, and considering increased use of intermediate sanctions for offenders who can be dealt with adequately by such means.

(7) To examine distinctive crime problems and the impact of crime on members of minority groups, Indians living on reservations, and other groups defined by race, ethnicity, religion, age, disability, or other characteristics, and to recommend specific responses to the distinctive crime problems of such groups.

(8) To examine the problem of sexual assaults, domestic violence, and other criminal and unlawful acts that particularly affect women, and to recommend Federal, State, and local strategies for more effectively preventing and punishing such crimes and acts.

(9) To examine the treatment of victims in Federal, State, and local criminal justice systems, and to develop recommendations to enhance and protect the rights of victims.

(10) To examine the ability of Federal, State, and local criminal justice systems to administer criminal law and criminal sanctions impartially without discrimination on the basis of race, ethnicity, religion, gender, or other legally proscribed grounds, and to make recommendations for correcting any deficiencies in the impartial administration of justice on these grounds.

(11) To examine the nature, scope, causes, and complexities of violence in schools and to recommend a comprehensive response to that problem.

(Pub. L. 103-322, title XXVII, §270003, Sept. 13, 1994, 108 Stat. 2091.)

§ 14194. Responsibilities of Commission

(a) In general

The responsibilities of the Commission shall include such study and consultation as may be necessary or appropriate to carry out the purposes set forth in section 14193 of this title, including the specific measures described in subsections (b) through (e) of this section in relation to the subject areas addressed in those subsections.

(b) Crime and violence generally

In addressing the subject of crime and violence generally, the activities of the Commission shall include the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes in Federal and State law have had in controlling crime and violence.

(3) Examining the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among the Nation's youth.

(4) Examining the problem of youth gangs and providing recommendations as to how to reduce youth involvement in violent crime.

(5) Examining the extent to which the use of dangerous weapons in the commission of crime has contributed to violence and murder in the United States.

(6) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other persons who wish to participate.

(7) Reviewing all segments of the Nation's criminal justice systems, including the law enforcement, prosecution, defense, judicial, and corrections components in developing the crime control and prevention proposal.

(c) Causes of demand for drugs

In addressing the subject of the causes of the demand for drugs, the activities of the Commission shall include the following:

(1) Examining the root causes of illicit drug use and abuse in the United States, including by compiling existing research regarding those root causes, and including consideration of the following factors:

(A) The characteristics of potential illicit drug users and abusers or drug traffickers, including age and social, economic, and educational backgrounds.

(B) Environmental factors that contribute to illicit drug use and abuse, including the correlation between unemployment, poverty, and homelessness and drug experimentation and abuse.

(C) The effects of substance use and abuse by a relative or friend in contributing to the likelihood and desire of an individual to experiment with illicit drugs.

(D) Aspects of, and changes in cultural values, attitudes and traditions that contribute to illicit drug use and abuse.

(E) The physiological and psychological factors that contribute to the desire for illicit drugs.

(2) Evaluating Federal, State, and local laws and policies on the prevention of drug abuse, control of unlawful production, distribution and use of controlled substances, and the efficacy of sentencing policies with regard to those laws.

(3) Analyzing the allocation of resources among interdiction of controlled substances entering the United States, enforcement of Federal laws relating to the unlawful production, distribution, and use of controlled substances, education with regard to and the prevention of the unlawful use of controlled substances, and treatment and rehabilitation of drug abusers.

(4) Analyzing current treatment and rehabilitation methods and making recommendations for improvements.

(5) Identifying any existing gaps in drug abuse policy that result from the lack of attention to the root causes of drug abuse.

(6) Assessing the needs of government at all levels for resources and policies for reducing the overall desire of individuals to experiment with and abuse illicit drugs.

(7) Making recommendations regarding necessary improvements in policies for reducing the use of illicit drugs in the United States.

(d) Violence in schools

In addressing the subject of violence in schools, the activities of the Commission shall include the following:

(1) Defining the causes of violence in schools.

(2) Defining the scope of the national problem of violence in schools.

(3) Providing statistics and data on the problem of violence in schools on a State-by-State basis.

(4) Investigating the problem of youth gangs and their relation to violence in schools and providing recommendations on how to reduce youth involvement in violent crime in schools.

(5) Examining the extent to which dangerous weapons have contributed to violence and murder in schools.

(6) Exploring the extent to which the school environment has contributed to violence in schools.

(7) Reviewing the effectiveness of current approaches in preventing violence in schools.

(e) Violence against women

In addressing the subject of sexual assault, domestic violence, and other criminal and unlawful acts that particularly affect women, the activities of the Commission shall include the following:

(1) Evaluating the adequacy of, and making recommendations regarding, current law en-

forcement efforts at the Federal, State, and local levels to reduce the incidence of such crimes and acts, and to punish those responsible for such crimes and acts.

(2) Evaluating the adequacy of, and making recommendations regarding, the responsiveness of prosecutors and courts to such crimes and acts.

(3) Evaluating the adequacy of rules of evidence, practice, and procedure to ensure the effective prosecution and conviction of perpetrators of such crimes and acts and to protect victims of such crimes and acts from abuse in legal proceedings, making recommendations, where necessary, to improve those rules.

(4) Evaluating the adequacy of pretrial release, sentencing, incarceration, and post-conviction release in relation to such crimes and acts.

(5) Evaluating the adequacy of, and making recommendations regarding, the adequacy of Federal and State laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim.

(6) Evaluating the adequacy of, and making recommendations regarding, the adequacy of Federal and State laws on domestic violence and the need for a more uniform statutory response to domestic violence.

(7) Evaluating the adequacy of, and making recommendations regarding, the adequacy of current education, prevention, and protective services for victims of such crimes and acts.

(8) Assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases.

(9) Assessing the problem of stalking and recommending effective means of response to the problem.

(10) Evaluating the adequacy of, and making recommendations regarding, programs for public awareness and public dissemination of information to prevent such crimes and acts.

(11) Evaluating the treatment of victims of such crimes and acts in Federal, State, and local criminal justice systems, and making recommendations designed to improve such treatment.

(Pub. L. 103-322, title XXVII, §270004, Sept. 13, 1994, 108 Stat. 2092.)

§ 14195. Administrative matters

(a) Chair

The President shall designate a member of the Commission to chair the Commission.

(b) No additional pay or benefits; per diem

Members of the Commission shall receive no pay or benefits by reason of their service on the Commission, but shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5.

(c) Vacancies

Vacancies on the Commission shall be filled in the same manner as initial appointments.

(d) Meetings open to public

The Commission shall be considered to be an agency for the purposes of section 552b of title 5 relating to the requirement that meetings of Federal agencies be open to the public.

(Pub. L. 103-322, title XXVII, §270005, Sept. 13, 1994, 108 Stat. 2094.)

§ 14196. Staff and support services

(a) Director

With the approval of the Commission, the chairperson shall appoint a staff director for the Commission.

(b) Staff

With the approval of the Commission, the staff director may appoint and fix the compensation of staff personnel for the Commission.

(c) Civil service laws

The staff of the Commission shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service. Staff compensation may be set without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but in no event shall any such personnel be compensated at a rate greater than the rate of basic pay for level ES-4 of the Senior Executive Service Schedule under section 5382 of that title. The staff director shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(d) Consultants

With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5.

(e) Staff of Federal agencies

Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, personnel of that agency to the Commission to assist in carrying out its duties.

(f) Physical facilities

The Administrator of the General Service Administration shall provide suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

(Pub. L. 103-322, title XXVII, §270006, Sept. 13, 1994, 108 Stat. 2094.)

REFERENCES IN TEXT

Level V of the Executive Schedule, referred to in subsec. (c), is set out in section 5316 of Title 5.

§ 14197. Powers

(a) Hearings

For the purposes of carrying out this subchapter, the Commission may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths before the Commission.

(b) Delegation

Any committee, task force, member, or agent, of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this subchapter.

(c) Access to information

The Commission may request directly from any Federal agency or entity in the executive or legislative branch such information as is needed to carry out its functions.

(d) Mail

The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(Pub. L. 103-322, title XXVII, §270007, Sept. 13, 1994, 108 Stat. 2095.)

§ 14198. Report; termination

Not later than 2 years after the date on which the Commission is fully constituted under section 14191 of this title, the Commission shall submit a detailed report to the Congress and the President containing its findings and recommendations. The Commission shall terminate 30 days after the submission of its report.

(Pub. L. 103-322, title XXVII, §270008, Sept. 13, 1994, 108 Stat. 2095.)

§ 14199. Authorization of appropriations

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

(1)¹ \$1,000,000 for fiscal year 1996.

(Pub. L. 103-322, title XXVII, §270009, Sept. 13, 1994, 108 Stat. 2095.)

SUBCHAPTER XIII—VIOLENT CRIME
REDUCTION TRUST FUND

§ 14211. Creation of Violent Crime Reduction Trust Fund**(a) Violent Crime Reduction Trust Fund**

There is established a separate account in the Treasury, known as the “Violent Crime Reduction Trust Fund” (referred to in this section as the “Fund”) into which shall be transferred, in accordance with subsection (b) of this section, savings realized from implementation of section 5 of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 3101 note; Public Law 103-226).

(b) Transfers into Fund

On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1995), the following amounts shall be transferred from the general fund to the Fund—

- (1) for fiscal year 1995, \$2,423,000,000;
- (2) for fiscal year 1996, \$4,287,000,000;
- (3) for fiscal year 1997, \$5,000,000,000;
- (4) for fiscal year 1998, \$5,500,000,000;
- (5) for fiscal year 1999, \$6,500,000,000; and
- (6) for fiscal year 2000, \$6,500,000,000.

(c) Appropriations from Fund

(1) Amounts in the Fund may be appropriated exclusively for the purposes authorized in this

Act and for those expenses authorized by any Act enacted before this Act that are expressly qualified for expenditure from the Fund.

(2) Amounts appropriated under paragraph (1) and outlays flowing from such appropriations shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985 except section 251A¹ of that Act as added by subsection (g), or for purposes of section 665d(b)¹ of title 2. Amounts of new budget authority and outlays under paragraph (1) that are included in concurrent resolutions on the budget shall not be taken into account for purposes of sections 665(b), 665e(b), and 665e(c) of title 2,¹ or for purposes of section 24 of House Concurrent Resolution 218 (One Hundred Third Congress).

(Pub. L. 103-322, title XXXI, §310001(a)–(c), Sept. 13, 1994, 108 Stat. 2102, 2103.)

REFERENCES IN TEXT

This section, referred to in subsec. (a), is section 310001 of Pub. L. 103-322, which enacted this section and section 901a of Title 2, The Congress, and amended sections 665a and 904 of Title 2 and sections 1105 and 1321 of Title 31, Money and Finance.

This Act, referred to in subsec. (c)(1), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c)(2), is title II of Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended section 911 of this title, sections 602, 622, 631 to 642, and 651 to 653 of Title 2, and sections 1104 to 1106, and 1109 of Title 31, Money and Finance, repealed section 661 of Title 2, enacted provisions set out as notes under section 911 of this title and section 900 of Title 2, and amended provisions set out as a note under section 621 of Title 2. Section 251A of the Act was classified to section 901a of Title 2 and was repealed by Pub. L. 105-33, title X, §10204(a)(1), Aug. 5, 1997, 111 Stat. 702. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

Sections 665, 665d, and 665e of title 2, referred to in subsec. (c)(2), were repealed by Pub. L. 105-33, title X, §10118(a), Aug. 5, 1997, 111 Stat. 695.

House Concurrent Resolution 218, referred to in subsec. (c)(2), is H. Con. Res. 218, May 12, 1994, 108 Stat. 5075, which is not classified to the Code.

§ 14212. Repealed. Pub. L. 105-33, title X, § 10204(b), Aug. 5, 1997, 111 Stat. 702

Section, Pub. L. 103-322, title XXXI, §310002, Sept. 13, 1994, 108 Stat. 2105, related to conforming reduction in discretionary spending limits.

§ 14213. Extension of authorizations of appropriations for fiscal years for which full amount authorized is not appropriated

If, in making an appropriation under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a certain purpose for a certain fiscal year in a certain amount, the Congress makes an appropriation for that purpose for that fiscal year in a lesser amount, that provision or

¹ So in original. No par. (2) has been enacted.

¹ See References in Text note below.

amendment shall be considered to authorize the making of appropriations for that purpose for later fiscal years in an amount equal to the difference between the amount authorized to be appropriated and the amount that has been appropriated.

(Pub. L. 103-322, title XXXI, §310003, Sept. 13, 1994, 108 Stat. 2105.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

§ 14214. Flexibility in making of appropriations

(a) Federal law enforcement

In the making of appropriations under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a Federal law enforcement program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other Federal law enforcement program for which appropriations are authorized by any other Federal law enforcement provision of this Act or amendment made by this Act. The aggregate reduction in the authorization for any particular Federal law enforcement program may not exceed 10 percent of the total amount authorized to be appropriated from the Violent Crime Reduction Trust Fund for that program in this Act or amendment made by this Act.

(b) State and local law enforcement

In the making of appropriations under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a State and local law enforcement program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other State and local law enforcement program for which appropriations are authorized by any other State and local law enforcement provision of this Act or amendment made by this Act. The aggregate reduction in the authorization for any particular State and local law enforcement program may not exceed 10 percent of the total amount authorized to be appropriated from the Violent Crime Reduction Trust Fund for that program in this Act or amendment made by this Act.

(c) Prevention

In the making of appropriations under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a prevention program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other prevention program for which appropriations are authorized by any other prevention provision of this Act or amendment made by this Act. The aggregate reduction in the authorization for any

particular prevention program may not exceed 10 percent of the total amount authorized to be appropriated from the Violent Crime Reduction Trust Fund for that program in this Act or amendment made by this Act.

(d) Definitions

In this section—“Federal law enforcement program” means a program authorized in any of the following sections:

- (1) section 190001(a);¹
- (2) section 190001(b);¹
- (3) section 190001(c);¹
- (4) section 190001(d);¹
- (5) section 190001(e);¹
- (6) section 320925;²
- (7) section 14062 of this title;
- (8) section 14171 of this title;
- (9) section 130002;¹
- (10) section 130005;¹
- (11) section 130006;¹
- (12) section 130007;¹
- (13) section 250005;¹
- (14) sections 14131–14134 of this title;
- (15) section 14083 of this title; and
- (16) section 14199 of this title.

“State and local law enforcement program” means a program authorized in any of the following sections:

- (1) sections 10001–10003;¹
- (2) section 210201;¹
- (3) section 210603;¹
- (4) section 180101;¹
- (5) section 14082 of this title;
- (6) sections 13861–13868 of this title;
- (7) section 14161¹ of this title;
- (8) sections 13811–13812 of this title;
- (9) section 210302;¹
- (10) section 14151¹ of this title;
- (11) section 210101;
- (12) section 320930;³
- (13) sections 13701–13709 of this title;
- (14) section 20301;¹
- (15) section 13911 of this title; and
- (16) section 20201.¹

“prevention program” means a program authorized in any of the following sections:

- (1) section 50001;¹
- (2) sections 13741–13744 of this title;
- (3) sections 13751–13758¹ of this title;
- (4) sections 13771–13777 of this title;
- (5) sections 13791–13793 of this title;
- (6) sections 13801–13802¹ of this title;
- (7) chapter 67 of title 31;
- (8) section 31101¹ and sections 13821–13853 of this title;
- (9) sections 31501–31505;¹
- (10) section 31901¹ and sections 13881–13902 of this title;
- (11) section 32001;¹
- (12) section 32101;¹
- (13) section 13921 of this title;
- (14) section 40114;¹
- (15) section 40121;¹
- (16) section 300w–10¹ of this title;

¹ See References in Text note below.

² So in original. Pub. L. 103-322 does not contain a section 320925.

³ So in original. Pub. L. 103-322 does not contain a section 320930.

- (17) section 13941 of this title;
- (18) section 5712d¹ of this title;
- (19) section 40156;¹
- (20) section 10413 of this title (relating to a hotline);
- (21) section 40231;¹
- (22) sections 10401 through 10412 of this title;
- (23) section 10417¹ of this title;
- (24) section 10414 of this title (relating to community projects to prevent family violence, domestic violence, and dating violence);
- (25) section 13962 of this title;
- (26) section 13963 of this title;
- (27) section 13971 of this title;
- (28) sections 13991–13994 of this title;
- (29) sections 14001–14002 of this title;
- (30) section 14012 of this title;
- (31) section 40601¹ and sections 14031–14040 of this title; and
- (32) section 14181¹ of this title.

(Pub. L. 103–322, title XXXI, §310004, Sept. 13, 1994, 108 Stat. 2106; Pub. L. 111–320, title II, §202(e), Dec. 20, 2010, 124 Stat. 3509.)

REFERENCES IN TEXT

This Act, referred to in subsections. (a) to (c), is Pub. L. 103–322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

Section 190001, referred to in subsection. (d), is section 190001 of Pub. L. 103–322, 108 Stat. 2048, which is not classified to the Code.

Section 130002, referred to in subsection. (d), is section 130002 of Pub. L. 103–322, 108 Stat. 2023, which is set out as a note under section 1226 of Title 8, Aliens and Nationality.

Section 130005, referred to in subsection. (d), is section 130005 of Pub. L. 103–322, 108 Stat. 2028, which amended section 1158 of Title 8 and enacted provisions set out as a note under section 1158 of Title 8.

Section 130006, referred to in subsection. (d), is section 130006 of Pub. L. 103–322, 108 Stat. 2028, which is set out as a note under section 1101 of Title 8.

Section 130007, referred to in subsection. (d), is section 130007 of Pub. L. 103–322, 108 Stat. 2029, which is set out as a note under section 1228 of Title 8.

Section 250005, referred to in subsection. (d), is section 230005 of Pub. L. 103–322, 108 Stat. 2086, which is not classified to the Code.

Sections 10001–10003, referred to in subsection. (d), are sections 10001–10003 of Pub. L. 103–322, 108 Stat. 1807, which enacted subchapter XII–E (§3796dd et seq.) of chapter 46 of this title, amended sections 3793 and 3797 of this title, and enacted provisions set out as notes under sections 3711 and 3796dd of this title.

Section 210201, referred to in subsection. (d), is section 210201 of Pub. L. 103–322, 108 Stat. 2062, which enacted subchapter XII–K (§3796jj et seq.) of chapter 46 of this title and amended sections 3793 and 3797 of this title.

Section 210603, referred to in subsection. (d), is section 210603 of Pub. L. 103–322, 108 Stat. 2074, which enacted provisions set out as a note under section 922 of Title 18, Crimes and Criminal Procedure, and amended provisions set out as notes under section 922 of Title 18.

Section 180101, referred to in subsection. (d), is section 180101 of Pub. L. 103–322, 108 Stat. 2045, which amended sections 3793 and 3796bb of this title.

Section 14161 of this title, referred to in subsection. (d), was repealed by Pub. L. 109–162, title XI, §1154(b)(4), Jan. 5, 2006, 119 Stat. 3113.

Section 210302, referred to in subsection. (d), is section 210302 of Pub. L. 103–322, 108 Stat. 2065, which enacted subchapter XII–L (§3796kk et seq.) of chapter 46 of this title, amended former sections 3751 and 3753 of this title

and sections 3793 and 3797 of this title, and enacted provisions set out as a note under former section 3751 of this title.

Section 14151 of this title, referred to in subsection. (d), was repealed by Pub. L. 109–162, title XI, §1154(b)(3), Jan. 5, 2006, 119 Stat. 3113.

Section 210101, referred to in subsection. (d), is section 210101 of Pub. L. 103–322, 108 Stat. 2061, which is not classified to the Code.

Section 20301, referred to in subsection. (d), is section 20301 of Pub. L. 103–322, 108 Stat. 1823, which amended section 1252 of Title 8, Aliens and Nationality, and enacted provisions set out as notes under sections 1231 and 1252 of Title 8.

Section 20201, referred to in subsection. (d), is section 20201 of Pub. L. 103–322, 108 Stat. 1819, which enacted subchapter XII–F (§3796ee et seq.) of chapter 46 of this title and amended sections 3791, 3793, and 3797 of this title.

Section 50001, referred to in subsection. (d), is section 50001 of Pub. L. 103–322, 108 Stat. 1955, which enacted former subchapter XII–J (§3796ii et seq.) of chapter 46 of this title and amended sections 3793 and 3797 of this title.

Sections 13751–13758 of this title, referred to in subsection. (d), were repealed by Pub. L. 109–162, title XI, §1154(b)(1), Jan. 5, 2006, 119 Stat. 3113.

Sections 13801–13802 of this title, referred to in subsection. (d), were repealed by Pub. L. 109–162, title XI, §1154(b)(2), Jan. 5, 2006, 119 Stat. 3113.

Section 31101, referred to in subsection. (d), is section 31101 of Pub. L. 103–322, 108 Stat. 1882, which is set out as a note under section 13701 of this title.

Sections 31501–31505, referred to in subsection. (d), are sections 31501–31505 of Pub. L. 103–322, 108 Stat. 1888, 1889, which amended sections 2502 to 2504, 2506, and 2512 of Title 16, Conservation.

Section 31901, referred to in subsection. (d), is section 31901 of Pub. L. 103–322, 108 Stat. 1892, which enacted provisions set out as a note under section 13701 of this title.

Section 32001, referred to in subsection. (d), is section 32001 of Pub. L. 103–322, 108 Stat. 1896, which amended section 3621 of Title 18, Crimes and Criminal Procedure.

Section 32101, referred to in subsection. (d), is section 32101 of Pub. L. 103–322, 108 Stat. 1898, which enacted subchapter XII–G (§3796ff et seq.) of chapter 46 of this title and amended sections 3791, 3793, and 3797 of this title.

Section 40114, referred to in subsection. (d), is section 40114 of Pub. L. 103–322, 108 Stat. 1910, which is not classified to the Code.

Section 40121, referred to in subsection. (d), is section 40121 of Pub. L. 103–322, 108 Stat. 1910, which enacted subchapter XII–H (§3796gg et seq.) of chapter 46 of this title and amended sections 3793 and 3797 of this title.

Section 300w–10 of this title, referred to in subsection. (d), was repealed by Pub. L. 106–386, div. B, title IV, §1401(b), Oct. 28, 2000, 114 Stat. 1513.

Section 5712d of this title, referred to in subsection. (d), was repealed by Pub. L. 109–162, title XI, §1172(b), Jan. 5, 2006, 119 Stat. 3123.

Section 40156, referred to in subsection. (d), is section 40156 of Pub. L. 103–322, 108 Stat. 1922, which amended sections 3793, 3796aa–1 to 3796aa–3, 3796aa–5, 3796aa–6, 13012, 13014, 13021, and 13024 of this title and repealed sections 3796aa–4 and 3796aa–7 of this title.

Section 40231, referred to in subsection. (d), is section 40231 of Pub. L. 103–322, 108 Stat. 1932, which enacted subchapter XII–I (§3796hh et seq.) of chapter 46 of this title and amended sections 3782, 3783, 3793, and 3797 of this title.

Section 10417 of this title, referred to in subsection. (d), was repealed by Pub. L. 108–36, title IV, §412, June 25, 2003, 117 Stat. 829.

Section 40601, referred to in subsection. (d), is section 40601 of Pub. L. 103–322, 108 Stat. 1950, which amended section 534 of Title 28, Judiciary and Judicial Procedure, and enacted provisions set out as a note under section 534 of Title 28.

Section 14181 of this title, referred to in subsec. (d), was in the original “section 24001” and was translated as reading “section 240001”, meaning section 240001 of Pub. L. 103–322, to reflect the probable intent of Congress, because Pub. L. 103–322 does not contain a section 24001.

AMENDMENTS

2010—Subsec. (d)(20). Pub. L. 111–320, §202(e)(1), substituted “section 10413 of this title (relating to a hotline)” for “section 10416 of this title”.

Subsec. (d)(22). Pub. L. 111–320, §202(e)(2), substituted “sections 10401 through 10412 of this title” for “section 40241”.

Subsec. (d)(24). Pub. L. 111–320, §202(e)(3), substituted “section 10414 of this title (relating to community projects to prevent family violence, domestic violence, and dating violence)” for “section 10418 of this title”.

SUBCHAPTER XIV—MISCELLANEOUS

§ 14221. Task force relating to introduction of nonindigenous species

(1) In general

The Attorney General is authorized to convene a law enforcement task force in Hawaii to facilitate the prosecution of violations of Federal laws, and laws of the State of Hawaii, relating to the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species.

(2) Membership

(A) The task force shall be composed of representatives of—

- (i) the Office of the United States Attorney for the District of Hawaii;
- (ii) the United States Customs Service;
- (iii) the Animal and Plant Health Inspection Service;
- (iv) the Fish and Wildlife Service;
- (v) the National Park Service;
- (vi) the United States Forest Service;
- (vii) the Military Customs Inspection Office of the Department of Defense;
- (viii) the United States Postal Service;
- (ix) the office of the Attorney General of the State of Hawaii;
- (x) the Hawaii Department of Agriculture;
- (xi) the Hawaii Department of Land and Natural Resources; and
- (xii) such other individuals as the Attorney General deems appropriate.

(B) The Attorney General shall, to the extent practicable, select individuals to serve on the task force who have experience with the enforcement of laws relating to the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species.

(3) Duties

The task force shall—

(A) facilitate the prosecution of violations of Federal and State laws relating to the conveyance, sale, or introduction of nonindigenous plant and animal species into Hawaii; and

(B) make recommendations on ways to strengthen Federal and State laws and law enforcement strategies designed to prevent the introduction of nonindigenous plant and animal species.

(4) Report

The task force shall report to the Attorney General, the Secretary of Agriculture, the Sec-

retary of the Interior, and to the Committee on the Judiciary and Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on the Judiciary, Committee on Agriculture, and Committee on Merchant Marine and Fisheries of the House of Representatives on—

(A) the progress of its enforcement efforts; and

(B) the adequacy of existing Federal laws and laws of the State of Hawaii that relate to the introduction of nonindigenous plant and animal species.

Thereafter, the task force shall make such reports as the task force deems appropriate.

(5) Consultation

The task force shall consult with Hawaii agricultural interests and representatives of Hawaii conservation organizations about methods of preventing the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species into Hawaii.

(Pub. L. 103–322, title XXXII, §320108(a), Sept. 13, 1994, 108 Stat. 2111.)

TRANSFER OF FUNCTIONS

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 542 of Title 6.

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. For treatment of references to Committee on Merchant Marine and Fisheries, see section 1(b)(3) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

§ 14222. Coordination of substance abuse treatment and prevention programs

The Attorney General shall consult with the Secretary of the Department of Health and Human Services in establishing and carrying out the substance abuse treatment and prevention components of the programs authorized under this Act, to assure coordination of programs, eliminate duplication of efforts and enhance the effectiveness of such services.

(Pub. L. 103–322, title XXXII, §320401, Sept. 13, 1994, 108 Stat. 2114.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103–322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

§ 14223. Edward Byrne Memorial Formula Grant Program

Nothing in this Act shall be construed to prohibit or exclude the expenditure of appropria-

tions to grant recipients that would have been or are eligible to receive grants under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3751 et seq.].

(Pub. L. 103-322, title XXXII, § 320919, Sept. 13, 1994, 108 Stat. 2130.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 13701 of this title and Tables.

The Omnibus Crime Control and Safe Streets Act of 1968, referred to in text, is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended. The reference to subpart 1 of part E of the Act probably means subpart 1 of part E of title I of the Act which is classified generally to part A (§ 3750 et seq.) of subchapter V of chapter 46 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

CHAPTER 137—MANAGEMENT OF RECHARGEABLE BATTERIES AND BATTERIES CONTAINING MERCURY

SUBCHAPTER I—GENERALLY

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SUBCHAPTER III—MANAGEMENT OF BATTERIES CONTAINING MERCURY

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14336.	New product or use.

SUBCHAPTER I—GENERALLY

§ 14301. Findings

The Congress finds that—

(1) it is in the public interest to—

(A) phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and other regulated batteries; and

(B) educate the public concerning the collection, recycling, and proper disposal of such batteries;

(2) uniform national labeling requirements for regulated batteries, rechargeable consumer products, and product packaging will significantly benefit programs for regulated battery

collection and recycling or proper disposal; and

(3) it is in the public interest to encourage persons who use rechargeable batteries to participate in collection for recycling of used nickel-cadmium, small sealed lead-acid, and other regulated batteries.

(Pub. L. 104-142, § 2, May 13, 1996, 110 Stat. 1329.)

SHORT TITLE

Section 1 of Pub. L. 104-142 provided that: “This Act [enacting this chapter] may be cited as the ‘Mercury-Containing and Rechargeable Battery Management Act.’”

Section 101 of title I of Pub. L. 104-142 provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘Rechargeable Battery Recycling Act.’”

Section 201 of title II of Pub. L. 104-142 provided that: “This title [enacting subchapter III of this chapter] may be cited as the ‘Mercury-Containing Battery Management Act.’”

§ 14302. Definitions

For purposes of this chapter:

(1) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Button cell

The term “button cell” means a button- or coin-shaped battery.

(3) Easily removable

The term “easily removable”, with respect to a battery, means detachable or removable at the end of the life of the battery—

(A) as a consumer product by a consumer with the use of common household tools; or

(B) by a retailer of replacements for a battery used as the principal electrical power source for a vehicle.

(4) Mercuric-oxide battery

The term “mercuric-oxide battery” means a battery that uses a mercuric-oxide electrode.

(5) Rechargeable battery

The term “rechargeable battery”—

(A) means 1 or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses; and

(B) includes any type of enclosed device or sealed container consisting of 1 or more such cells, including what is commonly called a battery pack (and in the case of a battery pack, for the purposes of the requirements of easy removability and labeling under section 14322 of this title, means the battery pack as a whole rather than each component individually); but

(C) does not include—

(i) a lead-acid battery used to start an internal combustion engine or as the principal electrical power source for a vehicle, such as an automobile, a truck, construction equipment, a motorcycle, a garden tractor, a golf cart, a wheelchair, or a boat;

(ii) a lead-acid battery used for load leveling or for storage of electricity gen-