

(iii) subject to the discretion of the Secretary, provide for suspension or termination by the Secretary of the assumption under subparagraph (A).

(C) Responsibilities of State or unit of general local government

The Secretary's duty under subparagraph (B) shall not be construed to limit any responsibility assumed by a State or unit of general local government with respect to any particular release of funds under subparagraph (A).

(2) Procedure

The Secretary shall approve the release of funds for projects subject to the procedures authorized by this section only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects, the recipient submits to the Secretary a request for such release, accompanied by a certification of the State or unit of general local government which meets the requirements of paragraph (3). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for special projects to be carried out pursuant thereto which are covered by such certification.

(3) Certification

A certification under the procedures authorized by this section shall—

(A) be in a form acceptable to the Secretary;
 (B) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;

(C) specify that the State or unit of general local government under this section has fully carried out its responsibilities as described under paragraph (1); and

(D) specify that the certifying officer—

(i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.] and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to paragraph (1); and

(ii) is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.

(4) Approval by States

In cases in which a unit of general local government carries out the responsibilities described in paragraph (1), the Secretary may permit the State to perform those actions of the Secretary described in paragraph (2) and the performance of such actions by the State, where permitted by the Secretary, shall be deemed to satisfy the Secretary's responsibilities referred to in the second sentence of paragraph (2).

(Pub. L. 103-233, title III, § 305(c), Apr. 11, 1994, 108 Stat. 372.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in pars. (1)(A), (2), and (3)(D)(i), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of this title and Tables.

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, referred to in par. (1)(A), is Pub. L. 102-389, Oct. 6, 1992, 106 Stat. 1571. Provisions under the head "Annual Contributions for Assisted Housing" in title II of the Act appear at 106 Stat. 1582 and are not classified to the Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Multifamily Housing Property Disposition Reform Act of 1994, and not as part of the Department of Housing and Urban Development Act which comprises this chapter.

CHAPTER 45—FAIR HOUSING

SUBCHAPTER I—GENERALLY

Sec.	
3601.	Declaration of policy.
3602.	Definitions.
3603.	Effective dates of certain prohibitions. (a) Application to certain described dwellings. (b) Exemptions. (c) Business of selling or renting dwellings defined.
3604.	Discrimination in the sale or rental of housing and other prohibited practices.
3605.	Discrimination in residential real estate-related transactions. (a) In general. (b) "Residential real estate-related transaction" defined. (c) Appraisal exemption.
3606.	Discrimination in the provision of brokerage services.
3607.	Religious organization or private club exemption.
3608.	Administration. (a) Authority and responsibility. (b) Assistant Secretary. (c) Delegation of authority; appointment of administrative law judges; location of conciliation meetings; administrative review. (d) Cooperation of Secretary and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes. (e) Functions of Secretary. (f) Provisions of law applicable to Department programs.
3608a.	Collection of certain data. (a) In general. (b) Reports to Congress.
3609.	Education and conciliation; conferences and consultations; reports.
3610.	Administrative enforcement; preliminary matters. (a) Complaints and answers. (b) Investigative report and conciliation. (c) Failure to comply with conciliation agreement. (d) Prohibitions and requirements with respect to disclosure of information. (e) Prompt judicial action. (f) Referral for State or local proceedings.

Sec.	
3611.	(g) Reasonable cause determination and effect. (h) Service of copies of charge. Subpoenas; giving of evidence. (a) In general. (b) Witness fees. (c) Criminal penalties.
3612.	Enforcement by Secretary. (a) Election of judicial determination. (b) Administrative law judge hearing in absence of election. (c) Rights of parties. (d) Expedited discovery and hearing. (e) Resolution of charge. (f) Effect of trial of civil action on administrative proceedings. (g) Hearings, findings and conclusions, and order. (h) Review by Secretary; service of final order. (i) Judicial review. (j) Court enforcement of administrative order upon petition by Secretary. (k) Relief which may be granted. (l) Enforcement decree in absence of petition for review. (m) Court enforcement of administrative order upon petition of any person entitled to relief. (n) Entry of decree. (o) Civil action for enforcement when election is made for such civil action. (p) Attorney's fees.
3613.	Enforcement by private persons. (a) Civil action. (b) Appointment of attorney by court. (c) Relief which may be granted. (d) Effect on certain sales, encumbrances, and rentals. (e) Intervention by Attorney General.
3614.	Enforcement by Attorney General. (a) Pattern or practice cases. (b) On referral of discriminatory housing practice or conciliation agreement for enforcement. (c) Enforcement of subpoenas. (d) Relief which may be granted in civil actions under subsections (a) and (b). (e) Intervention in civil actions.
3614a.	Rules to implement subchapter.
3615.	Effect on State laws.
3616.	Cooperation with State and local agencies administering fair housing laws; utilization of services and personnel; reimbursement; written agreements; publication in Federal Register.
3616a.	Fair housing initiatives program. (a) In general. (b) Private enforcement initiatives. (c) Funding of fair housing organizations. (d) Education and outreach. (e) Program administration. (f) Regulations. (g) Authorization of appropriations. (h) Qualified fair housing enforcement organization. (i) Prohibition on use of funds. (j) Reporting requirements.
3617.	Interference, coercion, or intimidation.
3618.	Authorization of appropriations.
3619.	Separability.
	SUBCHAPTER II—PREVENTION OF INTIMIDATION
3631.	Violations; penalties.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 5304 of this title.

SUBCHAPTER I—GENERALLY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 1437l, 1437v, 1437w, 1437aaa-1, 1437aaa-2, 3535, 3608a, 3616a, 4621, 5304, 5306, 5307, 6727, 8013, 11386, 11394, 12181, 12754, 12872, 12873, 12892, 12893, 12899b, 12899c, 13603 of this title; title 12 sections 1701q, 1708, 4545; title 15 section 1691e; title 23 section 117; title 31 section 6711; title 49 section 70304.

§ 3601. Declaration of policy

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

(Pub. L. 90-284, title VIII, § 801, Apr. 11, 1968, 82 Stat. 81.)

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-430, §13(a), Sept. 13, 1988, 102 Stat. 1636, provided that: "This Act and the amendments made by this Act [see Short Title of 1988 Amendment note below] shall take effect on the 180th day beginning after the date of the enactment of this Act [Sept. 13, 1988]."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-430, §1, Sept. 13, 1988, 102 Stat. 1619, provided that: "This Act [enacting sections 3610 to 3614a of this title, amending sections 3602, 3604 to 3608, 3615 to 3619, and 3631 of this title and sections 2341 and 2342 of Title 28, Judiciary and Judicial Procedure, repealing former sections 3610 to 3613 of this title, and enacting provisions set out as notes under this section and section 3602 of this title] may be cited as the 'Fair Housing Amendments Act of 1988'."

SHORT TITLE

Section 1 of Pub. L. 90-284, as added by Pub. L. 100-430, §2, Sept. 13, 1988, 102 Stat. 1619, provided: "That this Act [enacting this chapter, sections 231 to 233, 245, 2101, and 2102 of Title 18, Crimes and Criminal Procedure, and sections 1301 to 1303, 1311, 1312, 1321 to 1326, 1331, and 1341 of Title 25, Indians, amending sections 1973j, 3533, 3535 of this title, and sections 241, 242, and 1153 of Title 18, enacting provisions set out as notes under sections 231 and 245 of Title 18, and repealing provisions set out as notes under section 1360 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Civil Rights Act of 1968'."

Section 800 of Pub. L. 90-284, title VIII, as added by Pub. L. 100-430, §4, Sept. 13, 1988, 102 Stat. 1619, provided that: "This title [enacting this subchapter and amending sections 3533 and 3535 of this title] may be cited as the 'Fair Housing Act'."

SEPARABILITY

Pub. L. 100-430, §14, Sept. 13, 1988, 102 Stat. 1636, provided that: "If any provision of this Act [see Short Title of 1988 Amendment note above] or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

DISCLAIMER OF PREEMPTIVE EFFECT ON OTHER ACTS

Pub. L. 100-430, §12, Sept. 13, 1988, 102 Stat. 1636, provided that: "Nothing in the Fair Housing Act [this subchapter] as amended by this Act [see Short Title of 1988 Amendment note above] limits any right, procedure, or remedy available under the Constitution or any other Act of the Congress not so amended."

INITIAL RULEMAKING

Pub. L. 100-430, §13(b), Sept. 13, 1988, 102 Stat. 1636, provided that: "In consultation with other appropriate Federal agencies, the Secretary shall, not later than

the 180th day after the date of the enactment of this Act [Sept. 13, 1988], issue rules to implement title VIII [this subchapter] as amended by this Act [see Short Title of 1988 Amendment note above]. The Secretary shall give public notice and opportunity for comment with respect to such rules."

FEDERALLY PROTECTED ACTIVITIES; PENALTIES

Penalties for violations respecting federally protected activities not applicable to and not affecting activities under this subchapter, see section 101(b) of Pub. L. 90-284, set out as a note under section 245 of Title 18, Crimes and Criminal Procedure.

§ 3602. Definitions

As used in this subchapter—

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) "Family" includes a single individual.

(d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11, receivers, and fiduciaries.

(e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) "Discriminatory housing practice" means an act that is unlawful under section 3604, 3605, 3606, or 3617 of this title.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

(h) "Handicap" means, with respect to a person—

(1) a physical or mental impairment which substantially limits one or more of such person's major life activities,

(2) a record of having such an impairment, or

(3) being regarded as having such an impairment,

but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of title 21).

(i) "Aggrieved person" includes any person who—

(1) claims to have been injured by a discriminatory housing practice; or

(2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(j) "Complainant" means the person (including the Secretary) who files a complaint under section 3610 of this title.

(k) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with—

(1) a parent or another person having legal custody of such individual or individuals; or

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(l) "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the Secretary.

(m) "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.

(n) "Respondent" means—

(1) the person or other entity accused in a complaint of an unfair housing practice; and

(2) any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under section 3610(a) of this title.

(o) "Prevailing party" has the same meaning as such term has in section 1988 of this title.

(Pub. L. 90-284, title VIII, § 802, Apr. 11, 1968, 82 Stat. 81; Pub. L. 95-598, title III, § 331, Nov. 6, 1978, 92 Stat. 2679; Pub. L. 100-430, § 5, Sept. 13, 1988, 102 Stat. 1619.)

AMENDMENTS

1988—Subsec. (f). Pub. L. 100-430, §5(a), substituted "3606, or 3617" for "or 3606".

Subsecs. (h) to (o). Pub. L. 100-430, §5(b), added subsecs. (h) to (o).

1978—Subsec. (d). Pub. L. 95-598 substituted "trustees in cases under title 11" for "trustees in bankruptcy".

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as a note under section 3601 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

TRANSVESTISM

Section 6(b)(3) of Pub. L. 100-430 provided that: "For the purposes of this Act [see Short Title of 1988 Amendment note set out under section 3601 of this title] as well as chapter 16 of title 29 of the United States Code [29 U.S.C. 701 et seq.], neither the term 'individual with handicaps' nor the term 'handicap' shall apply to an individual solely because that individual is a transvestite."

§ 3603. Effective dates of certain prohibitions

(a) Application to certain described dwellings

Subject to the provisions of subsection (b) of this section and section 3607 of this title, the prohibitions against discrimination in the sale or rental of housing set forth in section 3604 of this title shall apply:

(1) Upon enactment of this subchapter, to—

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to April 11, 1968;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to April 11, 1968: *Provided*, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b) of this section.

(b) Exemptions

Nothing in section 3604 of this title (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner: *Provided*, That such private individual owner does not own more than three such single-family houses at any one time: *Provided further*, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: *Provided further*, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: *Provided further*, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this subchapter only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 3604(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) Business of selling or renting dwellings defined

For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

(Pub. L. 90-284, title VIII, § 803, Apr. 11, 1968, 82 Stat. 82.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3604, 3617 of this title.

§ 3604. Discrimination in the sale or rental of housing and other prohibited practices

As made applicable by section 3603 of this title and except as exempted by sections 3603(b) and 3607 of this title, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

(f)(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of—

(A) that buyer or renter,¹

¹ So in original. The comma probably should be a semicolon.

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that buyer or renter.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of—

(A) that person; or

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that person.

(3) For purposes of this subsection, discrimination includes—

(A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.²

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(C) in connection with the design and construction of covered multifamily dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that—

(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

(iii) all premises within such dwellings contain the following features of adaptive design:

(I) an accessible route into and through the dwelling;

(II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(III) reinforcements in bathroom walls to allow later installation of grab bars; and

(IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3)(C)(iii).

(5)(A) If a State or unit of general local government has incorporated into its laws the re-

quirements set forth in paragraph (3)(C), compliance with such laws shall be deemed to satisfy the requirements of that paragraph.

(B) A State or unit of general local government may review and approve newly constructed covered multifamily dwellings for the purpose of making determinations as to whether the design and construction requirements of paragraph (3)(C) are met.

(C) The Secretary shall encourage, but may not require, States and units of local government to include in their existing procedures for the review and approval of newly constructed covered multifamily dwellings, determinations as to whether the design and construction of such dwellings are consistent with paragraph (3)(C), and shall provide technical assistance to States and units of local government and other persons to implement the requirements of paragraph (3)(C).

(D) Nothing in this subchapter shall be construed to require the Secretary to review or approve the plans, designs or construction of all covered multifamily dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of paragraph 3(C).

(6)(A) Nothing in paragraph (5) shall be construed to affect the authority and responsibility of the Secretary or a State or local public agency certified pursuant to section 3610(f)(3) of this title to receive and process complaints or otherwise engage in enforcement activities under this subchapter.

(B) Determinations by a State or a unit of general local government under paragraphs (5)(A) and (B) shall not be conclusive in enforcement proceedings under this subchapter.

(7) As used in this subsection, the term "covered multifamily dwellings" means—

(A) buildings consisting of 4 or more units if such buildings have one or more elevators; and

(B) ground floor units in other buildings consisting of 4 or more units.

(8) Nothing in this subchapter shall be construed to invalidate or limit any law of a State or political subdivision of a State, or other jurisdiction in which this subchapter shall be effective, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this subchapter.

(9) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(Pub. L. 90-284, title VIII, § 804, Apr. 11, 1968, 82 Stat. 83; Pub. L. 93-383, title VIII, § 808(b)(1), Aug. 22, 1974, 88 Stat. 729; Pub. L. 100-430, §§ 6(a)-(b)(2), (e), 15, Sept. 13, 1988, 102 Stat. 1620, 1622, 1623, 1636.)

AMENDMENTS

1988—Pub. L. 100-430, § 6(e), inserted "and other prohibited practices" in section catchline.

Subsecs. (a), (b). Pub. L. 100-430, § 6(b)(2), inserted "familial status," after "sex,".

Subsecs. (c) to (e). Pub. L. 100-430, § 6(b)(1), inserted "handicap, familial status," after "sex,".

²So in original. The period probably should be a semicolon.

Subsec. (f). Pub. L. 100-430, § 6(a), added subsec. (f).

Subsec. (f)(3)(A). Pub. L. 100-430, § 15, which directed the substitution of “except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.” for the period at the end of subpar. (A) was executed by making the substitution for a semicolon as the probable intent of Congress because subpar. (A) ended with a semicolon, not a period.

1974—Pub. L. 93-383 inserted “, sex” after “religion” wherever appearing in cls. (a) to (e).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as a note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3602, 3603, 3617 of this title.

§ 3605. Discrimination in residential real estate-related transactions

(a) In general

It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) “Residential real estate-related transaction” defined

As used in this section, the term “residential real estate-related transaction” means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance—
 - (A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (B) secured by residential real estate.
- (2) The selling, brokering, or appraising of residential real property.

(c) Appraisal exemption

Nothing in this subchapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

(Pub. L. 90-284, title VIII, § 805, Apr. 11, 1968, 82 Stat. 83; Pub. L. 93-383, title VIII, § 808(b)(2), Aug. 22, 1974, 88 Stat. 729; Pub. L. 100-430, § 6(c), Sept. 13, 1988, 102 Stat. 1622.)

AMENDMENTS

1988—Pub. L. 100-430 amended section generally. Prior to amendment, section read as follows: “After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, sex,

or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided*, That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 3603(b) of this title.”

1974—Pub. L. 93-383 inserted “, sex” after “religion”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as a note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3602, 3617 of this title; title 15 section 1691e.

§ 3606. Discrimination in the provision of brokerage services

After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

(Pub. L. 90-284, title VIII, § 806, Apr. 11, 1968, 82 Stat. 84; Pub. L. 93-383, title VIII, § 808(b)(3), Aug. 22, 1974, 88 Stat. 729; Pub. L. 100-430, § 6(b)(1), Sept. 13, 1988, 102 Stat. 1622.)

AMENDMENTS

1988—Pub. L. 100-430 inserted “handicap, familial status,” after “sex”.

1974—Pub. L. 93-383 inserted “, sex” after “religion”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as a note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3602, 3617 of this title.

§ 3607. Religious organization or private club exemption

(a) Nothing in this subchapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this subchapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or

occupancy of such lodgings to its members or from giving preference to its members.

(b)(1) Nothing in this subchapter limits the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this subchapter regarding familial status apply with respect to housing for older persons.

(2) As used in this section, "housing for older persons" means housing—

(A) provided under any State or Federal program that the Secretary determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(B) intended for, and solely occupied by, persons 62 years of age or older; or

(C) intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Secretary shall develop regulations which require at least the following factors:

(i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(ii) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(iii) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of:

(A) persons residing in such housing as of September 13, 1988, who do not meet the age requirements of subsections¹ (2)(B) or (C): *Provided*, That new occupants of such housing meet the age requirements of subsections¹ (2)(B) or (C); or

(B) unoccupied units: *Provided*, That such units are reserved for occupancy by persons who meet the age requirements of subsections¹ (2)(B) or (C).

(4) Nothing in this subchapter prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 802 of title 21.

(Pub. L. 90-284, title VIII, §807, Apr. 11, 1968, 82 Stat. 84; Pub. L. 100-430, §6(d), Sept. 13, 1988, 102 Stat. 1622.)

CODIFICATION

September 13, 1988, referred to in subsec. (b)(3)(A), was in the original "the date of enactment of this Act", which was translated as meaning the date of enactment of Pub. L. 100-430, which enacted subsec. (b) of this section, to reflect the probable intent of Congress.

AMENDMENTS

1988—Pub. L. 100-430 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as a note under section 3601 of this title.

REGULATIONS

Pub. L. 102-550, title IX, §919, Oct. 28, 1992, 106 Stat. 3883, provided that: "The Secretary of Housing and Urban Development shall, not later than 180 days after the date of the enactment of this Act [Oct. 28, 1992], make rules defining what are 'significant facilities and services especially designed to meet the physical or social needs of older persons' required under section 807(b)(2) of the Fair Housing Act [42 U.S.C. 3607(b)(2)] to meet the definition of the term 'housing for older persons' in such section."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3603, 3604 of this title.

§ 3608. Administration

(a) Authority and responsibility

The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) Assistant Secretary

The Department of Housing and Urban Development shall be provided an additional Assistant Secretary.

(c) Delegation of authority; appointment of administrative law judges; location of conciliation meetings; administrative review

The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this subchapter. The person to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5372, and 7521 of title 5. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his administrative law judges to other administrative law judges or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(d) Cooperation of Secretary and executive departments and agencies in administration of housing and urban development programs and activities to further fair housing purposes

All executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or su-

¹ So in original. Probably should be "paragraph".

pervisory authority over financial institutions) in a manner affirmatively to further the purposes of this subchapter and shall cooperate with the Secretary to further such purposes.

(e) Functions of Secretary

The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies, including an annual report to the Congress—

(A) specifying the nature and extent of progress made nationally in eliminating discriminatory housing practices and furthering the purposes of this subchapter, obstacles remaining to achieving equal housing opportunity, and recommendations for further legislative or executive action; and

(B) containing tabulations of the number of instances (and the reasons therefor) in the preceding year in which—

(i) investigations are not completed as required by section 3610(a)(1)(B) of this title;

(ii) determinations are not made within the time specified in section 3610(g) of this title; and

(iii) hearings are not commenced or findings and conclusions are not made as required by section 3612(g) of this title;

(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices;

(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this subchapter; and

(6) annually report to the Congress, and make available to the public, data on the race, color, religion, sex, national origin, age, handicap, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of, programs administered by the Department to the extent such characteristics are within the coverage of the provisions of law and Executive orders referred to in subsection (f) of this section which apply to such programs (and in order to develop the data to be included and made available to the public under this subsection, the Secretary shall, without regard to any other provision of law, collect such information relating to those characteristics as the Secretary determines to be necessary or appropriate).

(f) Provisions of law applicable to Department programs

The provisions of law and Executive orders to which subsection (e)(6) of this section applies are—

(1) title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.];

(2) this subchapter;

(3) section 794 of title 29;

(4) the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.];

(5) the Equal Credit Opportunity Act [15 U.S.C. 1691 et seq.];

(6) section 1982 of this title;

(7) section 637(a) of title 15;

(8) section 1735f-5 of title 12;

(9) section 5309 of this title;

(10) section 1701u of title 12;

(11) Executive orders 11063, 11246, 11625, 12250, 12259, and 12432; and

(12) any other provision of law which the Secretary specifies by publication in the Federal Register for the purpose of this subsection.

(Pub. L. 90-284, title VIII, § 808, Apr. 11, 1968, 82 Stat. 84; Pub. L. 95-251, § 3, Mar. 27, 1978, 92 Stat. 184; Pub. L. 95-454, title VIII, § 801(a)(3)(J), Oct. 13, 1978, 92 Stat. 1222; Pub. L. 100-430, § 7, Sept. 13, 1988, 102 Stat. 1623.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), means Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 73, as amended, known as the Civil Rights Act of 1968, which enacted this chapter, sections 231 to 233, 245, 2101, and 2102 of Title 18, Crimes and Criminal Procedure, and sections 1301 to 1303, 1311, 1312, 1321 to 1326, 1331, and 1341 of Title 25, Indians, amended sections 1973j, 3533, 3535 of this title, and sections 241, 242, and 1153 of Title 18, enacted provisions set out as notes under sections 231 and 245 of Title 18, and repealed provisions set out as notes under section 1360 of Title 28, Judiciary and Judicial Procedure. For complete classification of this Act to the Code, see Tables.

The Civil Rights Act of 1964, referred to in subsec. (f)(1), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

The Age Discrimination Act of 1975, referred to in subsec. (f)(4), is title III of Pub. L. 94-135, Nov. 28, 1975, 78 Stat. 728, as amended, which is classified generally to chapter 76 (§ 6101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Equal Credit Opportunity Act, referred to in subsec. (f)(5), is title VII of Pub. L. 90-321, as added by Pub. L. 93-495, title V, § 503, Oct. 28, 1974, 88 Stat. 1521, as amended, which is classified generally to subchapter IV (§ 1691 et seq.) of chapter 41 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 15 and Tables.

The Executive orders referred to in subsec. (f)(11) are set out as notes under sections of the Code as follows:

Ex. Ord. No. 11063: 42 U.S.C. 1982,

Ex. Ord. No. 11246: 42 U.S.C. 2000e,

Ex. Ord. No. 11625: 15 U.S.C. 631,

Ex. Ord. No. 12250: 42 U.S.C. 2000d-1, and

Ex. Ord. No. 12432: 15 U.S.C. 631.

Ex. Ord. No. 12259, referred to in subsec. (f)(11), was set out below, prior to revocation by Ex. Ord. No. 12892, Jan. 17, 1994, 59 F.R. 2939, set out below.

CODIFICATION

The second sentence of subsec. (b) of this section has been omitted as it amended sections 3533(a) and 3535(c) of this title.

AMENDMENTS

1988—Subsec. (d). Pub. L. 100-430, §7(a), inserted “(including any Federal agency having regulatory or supervisory authority over financial institutions)” after “urban development”.

Subsec. (e)(2). Pub. L. 100-430, §7(b)(1)(A), inserted provisions relating to annual report to Congress.

Subsec. (e)(6). Pub. L. 100-430, §7(b)(1)(B)-(D), added par. (6).

Subsec. (f). Pub. L. 100-430, §7(b)(2), added subsec. (f).

1978—Subsec. (c). Pub. L. 95-251 substituted “administrative law judges” for “hearing examiners”.

Pub. L. 95-454 substituted “5372” for “5362”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as a note under section 3601 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective on first day of first applicable pay period beginning on or after 90th day after Oct. 13, 1978, see section 801(a)(4)(A) of Pub. L. 95-454, set out as an Effective Date note under section 5361 of Title 5, Government Organization and Employees.

EXECUTIVE ORDER No. 12259

Ex. Ord. No. 12259, Dec. 31, 1980, 46 F.R. 1253, which related to leadership and coordination by Secretary of Housing and Urban Development of fair housing programs and activities in Federal programs, was revoked by Ex. Ord. No. 12892, §6-607, Jan. 17, 1994, 59 F.R. 2939, set out below.

EX. ORD. NO. 12892. LEADERSHIP AND COORDINATION OF FAIR HOUSING IN FEDERAL PROGRAMS: AFFIRMATIVELY FURTHERING FAIR HOUSING

Ex. Ord. No. 12892, Jan. 17, 1994, 59 F.R. 2939, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the Fair Housing Act, as amended (42 U.S.C. 3601 *et seq.*) (“Act”), in order to affirmatively further fair housing in all Federal programs and activities relating to housing and urban development throughout the United States, it is hereby ordered as follows:

SECTION 1. *Administration of Programs and Activities Relating to Housing and Urban Development.*

1-101. Section 808(d) of the Act, as amended [42 U.S.C. 3608(d)], provides that all executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of the Act and shall cooperate with the Secretary of Housing and Urban Development to further such purposes.

1-102. As used in this order, the phrase “programs and activities” shall include programs and activities operated, administered, or undertaken by the Federal Government; grants; loans; contracts; insurance; guarantees; and Federal supervision or exercise of regulatory responsibility (including regulatory or supervisory authority over financial institutions).

SEC. 2. *Responsibilities of Executive Agencies.*

2-201. The primary authority and responsibility for administering the programs and activities relating to housing and urban development affirmatively to further fair housing is vested in the Secretary of Housing and Urban Development.

2-202. The head of each executive agency is responsible for ensuring that its programs and activities re-

lating to housing and urban development are administered in a manner affirmatively to further the goal of fair housing as required by section 808 of the Act [42 U.S.C. 3608] and for cooperating with the Secretary of Housing and Urban Development, who shall be responsible for exercising leadership in furthering the purposes of the Act.

2-203. In carrying out the responsibilities in this order, the head of each executive agency shall take appropriate steps to require that all persons or other entities who are applicants for, or participants in, or who are supervised or regulated under, agency programs and activities relating to housing and urban development shall comply with this order.

2-204. Upon receipt of a complaint alleging facts that may constitute a violation of the Act or upon receipt of information from a consumer compliance examination or other information suggesting a violation of the Act, each executive agency shall forward such facts or information to the Secretary of Housing and Urban Development for processing under the Act. Where such facts or information indicate a possible pattern or practice of discrimination in violation of the Act, they also shall be forwarded to the Attorney General. The authority of the Federal depository institution regulatory agencies to take appropriate action under their statutory authority remains unaffected.

SEC. 3. *President's Fair Housing Council.*

3-301. There is hereby established an advisory council entitled the “President's Fair Housing Council” (“Council”). The Council shall be chaired by the Secretary of Housing and Urban Development and shall consist of the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Education, the Secretary of Labor, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Veterans Affairs, the Secretary of the Treasury, the Attorney General, the Secretary of the Interior, the Chair of the Federal Reserve, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chair of the Federal Deposit Insurance Corporation, and such other officials of executive departments and agencies as the President may, from time to time, designate.

3-302. The President's Fair Housing Council shall review the design and delivery of Federal programs and activities to ensure that they support a coordinated strategy to affirmatively further fair housing. The Council shall propose revisions to existing programs or activities, develop pilot programs and activities, and propose new programs and activities to achieve its goals.

3-303. In support of cooperative efforts among all executive agencies, the Secretary of Housing and Urban Development shall:

(a) cooperate with, and render assistance to, the heads of all executive agencies in the formulation of policies and procedures to implement this order and to provide information and guidance on the affirmative administration of programs and activities relating to housing and urban development and the protection of the rights accorded by the Act; and

(b) develop memoranda of understanding and any necessary implementing procedures among executive agencies designed to provide for consultation and the coordination of Federal efforts to further fair housing through the affirmative administration of programs and activities relating to housing and urban development, including coordination of the investigation of complaints or other information referred to the Secretary as required by section 2-204 of this order that would constitute a violation of the Act or, where relevant, other Federal laws. Existing memoranda of understanding shall remain in effect until superseded.

3-304. In connection with carrying out functions under this order, the Secretary of Housing and Urban Development is authorized to request from any executive agency such information and assistance as the Secretary deems necessary. Each agency shall furnish such information to the extent permitted by law and, to the extent practicable, provide assistance to the Secretary.

SEC. 4. *Specific Responsibilities.*

4-401. In implementing the responsibilities under sections 2-201, 2-202, 2-203, and section 3 of this order, the Secretary of Housing and Urban Development shall, to the extent permitted by law:

(a) promulgate regulations in consultation with the Department of Justice and Federal banking agencies regarding programs and activities of executive agencies related to housing and urban development that shall:

(1) describe the functions, organization, and operations of the President's Fair Housing Council;

(2) describe the types of programs and activities defined in section 1-102 of this order that are subject to the order;

(3) describe the responsibilities and obligations of executive agencies in ensuring that programs and activities are administered and executed in a manner that furthers fair housing;

(4) describe the responsibilities and obligations of applicants, participants, and other persons and entities involved in housing and urban development programs and activities affirmatively to further the goal of fair housing; and

(5) describe a method to identify impediments in programs or activities that restrict fair housing choice and implement incentives that will maximize the achievement of practices that affirmatively further fair housing.

(b) coordinate executive agency implementation of the requirements of this order and issue standards and procedures regarding:

(1) the administration of programs and activities relating to housing and urban development in a manner affirmatively to further fair housing; and

(2) the cooperation of executive agencies in furtherance of the Secretary of Housing and Urban Development's authority and responsibility under the Act.

4-402. Within 180 days of the publication of final regulations by the Secretary of Housing and Urban Development under section 4-401 of this order, the head of each executive agency shall publish proposed regulations providing for the administration of programs and activities relating to housing and urban development in a manner affirmatively to further fair housing, consistent with the Secretary of Housing and Urban Development's regulations, and with the standards and procedures issued pursuant to section 4-401(b) of this order. As soon as practicable thereafter, each executive agency shall issue its final regulations. All executive agencies shall formally submit all such proposed and final regulations, and any related issuances or standards, to the Secretary of Housing and Urban Development at least 30 days prior to public announcement.

4-403. The Secretary of Housing and Urban Development shall review proposed regulations and standards prepared pursuant to section 4-402 of this order to ensure conformity with the purposes of the Act and consistency among the operations of the various executive agencies and shall provide comments to executive agencies with respect thereto on a timely basis.

4-404. In addition to promulgating the regulations described in section 4-401 of this order, the Secretary of Housing and Urban Development shall promulgate regulations describing the nature and scope of coverage and the conduct prohibited, including mortgage lending discrimination and property insurance discrimination.

SEC. 5. *Administrative Enforcement.*

5-501. The head of each executive agency shall be responsible for enforcement of this order and, unless prohibited by law, shall cooperate and provide records, data, and documentation in connection with any other agency's investigation of compliance with provisions of this order.

5-502. If any executive agency concludes that any person or entity (including any State or local public agency) applying for or participating in, or supervised or regulated under, a program or activity relating to housing and urban development has not complied with this order or any applicable rule, regulation, or procedure issued or adopted pursuant to this order, it shall

endeavor to end and remedy such violation by informal means, including conference, conciliation, and persuasion. An executive agency need not pursue informal resolution of matters where similar efforts made by another executive agency have been unsuccessful, except where otherwise required by law. In the event of failure of such informal means, the executive agency, in conformity with rules, regulations, procedures, or policies issued or adopted by it pursuant to section 4 of this order hereof, shall impose such sanctions as may be authorized by law. To the extent authorized by law, such sanctions may include:

(a) cancellation or termination of agreements or contracts with such person, entity, or any State or local public agency;

(b) refusal to extend any further aid under any program or activity administered by it and affected by this order until it is satisfied that the affected person, entity, or State or local public agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this order;

(c) refusal to grant supervisory or regulatory approval to such person, entity, or State or local public agency under any program or activity administered by it that is affected by this order or revoke such approval if previously given; and

(d) any other action as may be appropriate under law.

5-503. Findings of any violation under section 5-502 of this order shall be promptly reported by the head of each executive agency to the Secretary of Housing and Urban Development and the Attorney General. The Secretary of Housing and Urban Development shall forward this information to all other executive agencies.

5-504. Any executive agency shall also consider invoking appropriate sanctions against any person or entity where any other executive department or agency has initiated action against that person or entity pursuant to section 5-502 of this order, where the Secretary of Housing and Urban Development has issued a charge against such person or entity that has not been resolved, or where the Attorney General has filed a civil action in Federal Court against such person or entity.

5-505. Each executive agency shall consult with the Secretary of Housing and Urban Development, and the Attorney General where a civil action in Federal Court has been filed, regarding agency actions to invoke sanctions under the Act. The Department of Housing and Urban Development, the Department of Justice, and Federal banking agencies shall develop and coordinate appropriate policies and procedures for taking action under their respective authorities. Each decision to invoke sanctions and the reasons therefor shall be documented and shall be provided to the Secretary of Housing and Urban Development and, where appropriate, to the Attorney General in a timely manner.

SEC. 6. *General Provisions.*

6-601. Nothing in this order shall limit the authority of the Attorney General to provide for the coordinated enforcement of nondiscrimination requirements in Federal assistance programs under Executive Order No. 12250 [42 U.S.C. 2000d-1 note].

6-602. All provisions of regulations, guidelines, and procedures proposed to be issued by executive agencies pursuant to this order that implement nondiscrimination requirements of laws covered by Executive Order No. 12250 [42 U.S.C. 2000d-1 note] shall be submitted to the Attorney General for review in accordance with that Executive order. In addition, the Secretary shall consult with the Attorney General regarding all regulations and procedures proposed to be issued under sections 4-401 and 4-402 of this order to assure consistency with coordinated Federal efforts to enforce nondiscrimination requirements in programs of Federal financial assistance pursuant to Executive Order No. 12250.

6-603. Nothing in this order shall affect the authority and responsibility of the Attorney General to commence any civil action authorized by the Act.

6-604. (a) Part IV and sections 501 and 503 of Executive Order No. 11063 [42 U.S.C. 1982 note] are revoked. The

activities and functions of the President's Committee on Equal Opportunity in Housing described in that Executive order shall be performed by the Secretary of Housing and Urban Development.

(b) Sections 101 and 502(a) of Executive Order No. 11063 are revised to apply to discrimination because of "race, color, religion (creed), sex, disability, familial status or national origin." All executive agencies shall revise regulations, guidelines, and procedures issued pursuant to Part II of Executive Order No. 11063 to reflect this amendment to coverage.

(c) Section 102 of Executive Order No. 11063 is revised by deleting the term "Housing and Home Finance Agency" and inserting in lieu thereof the term "Department of Housing and Urban Development."

6-605. Nothing in this order shall affect any requirement imposed under the Equal Credit Opportunity Act (15 U.S.C. 1691 *et seq.*), the Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*) or the Community Reinvestment Act (12 U.S.C. 2901 *et seq.*).

6-606. Nothing in this order shall limit the authority of the Federal banking agencies to carry out their responsibilities under current law or regulations.

6-607. Executive Order No. 12259 is hereby revoked.

SEC. 7. *Report.*

7-701. The Secretary of Housing and Urban Development shall submit to the President an annual report commenting on the progress that the Department of Housing and Urban Development and other executive agencies have made in carrying out requirements and responsibilities under this Executive order. The annual report may be consolidated with the annual report on the state of fair housing required by section 808(e)(2) of the Act [42 U.S.C. 3608(e)(2)].

WILLIAM J. CLINTON.

FEDERAL LEADERSHIP OF FAIR HOUSING

Memorandum of President of the United States, Jan. 17, 1994, 59 F.R. 8513, provided:

Memorandum for the Heads of Executive Departments and Agencies

On April 11, 1968, one week after the assassination of the great civil rights leader Martin Luther King, Jr., the Fair Housing Act [42 U.S.C. 3601 *et seq.*] was enacted (1) to prohibit discrimination in housing, and (2) to direct the Secretary of Housing and Urban Development to affirmatively further fair housing in Federal housing and urban development programs. Twenty-five years later, despite a strengthening of the Fair Housing Act 5 years ago, hundreds of acts of housing discrimination occur in our Nation each day.

Americans of every income level, seeking to live where they choose, feel the weight of discrimination because of the color of their skin, their race, their religion, their gender, their country of origin, or because they are disabled or have children.

An increasing body of evidence indicates that barriers to fair housing are pervasive. Forty percent of all families move every 5 years. This statistic is significant given the results of a recent study, commissioned by the Department of Housing and Urban Development (HUD), which found that more than half of the African Americans and Latinos seeking to rent or buy a home are treated differently than whites with the same qualifications. Moreover, based upon Home Mortgage Disclosure Act [12 U.S.C. 2801 *et seq.*] data, the number of minority persons who are rejected when attempting to obtain loans to purchase homes is two to three times higher than it is for nonminorities in almost every metropolitan area of this country.

Racial and ethnic segregation, both in the private housing market and in public and assisted housing, has been well documented. Despite legislation (the Fair Housing Act) and Executive action (Executive Order No. 11063 [42 U.S.C. 1982 note]), the divisive impact of housing segregation persists in metropolitan areas all across this country. Too many lower income and minority Americans face barriers to housing outside of central cities. Segregation in housing and schools de-

prives too many of our children and youth of an opportunity to enter the marketplace or work on an equal footing. For too many families, our cities are no longer the launching pads for economic self-sufficiency and upward mobility that they have been for countless immigrants and minorities since the country's birth. And many Americans who are better off abandon the cities.

The resulting decline in the very heart of too many of our metropolitan areas threatens all of us: the health of our dynamic regional economies—the very lifeblood of future national economic growth and higher living standards for all of us and all of our children—is placed at risk.

We can do better. We can start by making sure that our own Federal policies and programs across all of our agencies support the fair housing and equal opportunity goals to which all Americans are committed. If all of our executive agencies affirmatively further fair housing in the design of their policies and administration of their programs relating to housing and urban development, a truly nondiscriminatory housing market will be closer to achievement.

By an Executive Order [Ex. Ord. No. 12892, set out above] ("the Order") I am issuing today and this memorandum, I am addressing those needs. The Secretary of Housing and Urban Development and, where appropriate, the Attorney General—the officials with the primary responsibility for the enforcement of Federal fair housing laws—will take the lead in developing and co-ordinating measures to carry out the purposes of this Order.

Through this Order, I am first expanding Executive Order No. 11063 to provide protection against discrimination in programs of Federal insurance or guaranty to persons who are disabled and to families with children.

Second, I am revoking the old Executive Order No. 12259 entitled "Leadership and Coordination of Fair Housing in Federal Programs." The new Executive order reflects the expanded authority of the Secretary of Housing and Urban Development and I am directing him to take stronger measures to provide leadership and coordination in affirmatively furthering fair housing in Federal programs.

Third, I ask the heads of departments and agencies, including the Federal banking agencies, to cooperate with the Secretary of Housing and Urban Development in identifying ways to structure agency programs and activities to affirmatively further fair housing and to promptly negotiate memoranda of understanding with him to accomplish that goal.

Further, I direct the Secretary of Housing and Urban Development to review all of HUD's programs to assure that they truly provide equal opportunity and promote economic self-sufficiency for those who are beneficiaries and recipients of those programs.

I also direct the Secretary to review HUD's programs to assure that they contain the maximum incentives to affirmatively further fair housing and to eliminate barriers to free choice where they continue to exist. This review shall include Federally assisted housing, Federally insured housing and other housing and housing related programs, including those of the Government National Mortgage Association and the Federal Housing Administration.

Today, I am establishing a new Cabinet-level organization to focus the cooperative efforts of all agencies on fair housing. The President's Fair Housing Council will be chaired by the Secretary of Housing and Urban Development and will consist of the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Education, the Secretary of Labor, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Veterans Affairs, the Secretary of the Treasury, the Attorney General, the Secretary of the Interior, the Chair of the Federal Reserve, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, and the Chair of the Federal Deposit Insurance Corporation.

The President's Fair Housing Council shall review the design and delivery of Federal programs and activi-

ties to ensure that they support a coordinated strategy to affirmatively further fair housing. The Council shall propose revisions to existing programs or activities, develop pilot programs and activities, and propose new programs and activities to achieve its goals.

I direct the Secretary of Housing and Urban Development and the President's Fair Housing Council to develop a pilot program to be implemented in selected metropolitan areas. This initiative will promote fair housing choice by helping inner-city families to move to suburban neighborhoods and by making the central city more attractive to those who have left it. I direct the members of the Council to undertake a demonstration program that will reinvent the way assisted housing is offered to applicants, will break down jurisdictional barriers in housing opportunities, and will promote the use of subsidies that diminish residential segregation, and will combine these initiatives with refined educational incentives aimed at improving the effectiveness of inner-city schools. I am directing that transportation alternatives be considered along with targeted social service and job training programs as part of the support necessary to create a one-stop, metropolitan area-wide fair housing opportunity pilot program that will effectively offer Federally assisted housing, Federally insured housing, and private market housing within a metropolitan area to all residents of the area. The pilot program should call upon realtors, mortgage lenders, housing providers, and local governments, among others, to assist in expanding housing choices.

To address the findings of recent studies, I hereby direct the Secretary of Housing and Urban Development and the Attorney General and, where appropriate, the heads of the Federal banking agencies to exercise national leadership to end discrimination in mortgage lending, the secondary mortgage market, and property insurance practices. The Secretary is directed to issue regulations to define discriminatory practices in these areas and the Secretary and the Attorney General are directed to aggressively enforce the laws prohibiting these practices.

In each of these areas, I direct the Secretary of Housing and Urban Development to take the lead with the other Federal agencies in working to gain the voluntary cooperation, participation, and expertise of all of those in private industry, the States and localities who can assist in achieving the Nation's fair housing goals.

The Secretary of Housing and Urban Development is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

§ 3608a. Collection of certain data

(a) In general

To assess the extent of compliance with Federal fair housing requirements (including the requirements established under title VI of Public Law 88-352 [42 U.S.C. 2000d et seq.] and title VIII of Public Law 90-284 [42 U.S.C. 3601 et seq.]), the Secretary of Housing and Urban Development and the Secretary of Agriculture shall each collect, not less than annually, data on the racial and ethnic characteristics of persons eligible for, assisted, or otherwise benefiting under each community development, housing assistance, and mortgage and loan insurance and guarantee program administered by such Secretary. Such data shall be collected on a building by building basis if the Secretary involved determines such collection to be appropriate.

(b) Reports to Congress

The Secretary of Housing and Urban Development and the Secretary of Agriculture shall

each include in the annual report of such Secretary to the Congress a summary and evaluation of the data collected by such Secretary under subsection (a) of this section during the preceding year.

(Pub. L. 100-242, title V, § 562, Feb. 5, 1988, 101 Stat. 1944.)

REFERENCES IN TEXT

Public Law 88-352, referred to in subsec. (a), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended, known as the Civil Rights Act of 1964, title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

Title VIII of Public Law 90-284, referred to in subsec. (a), is title VIII of Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 81, as amended, known as the Fair Housing Act, which is classified principally to subchapter I (§ 3601 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

CODIFICATION

Section was enacted as part of the Housing and Community Development Act of 1987, and not as part of title VIII of Pub. L. 90-284, popularly known as the Fair Housing Act, which comprises this subchapter.

§ 3609. Education and conciliation; conferences and consultations; reports

Immediately after April 11, 1968, the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this subchapter. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this subchapter and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of title 5. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this subchapter. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

(Pub. L. 90-284, title VIII, § 809, Apr. 11, 1968, 82 Stat. 85.)

§ 3610. Administrative enforcement; preliminary matters

(a) Complaints and answers

(1)(A)(i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a complaint with the Secretary alleging such discriminatory housing practice. The Secretary, on the Secretary's own initiative, may also file such a complaint.

(ii) Such complaints shall be in writing and shall contain such information and be in such form as the Secretary requires.

(iii) The Secretary may also investigate housing practices to determine whether a complaint should be brought under this section.

(B) Upon the filing of such a complaint—

(i) the Secretary shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under this subchapter;

(ii) the Secretary shall, not later than 10 days after such filing or the identification of an additional respondent under paragraph (2), serve on the respondent a notice identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this subchapter, together with a copy of the original complaint;

(iii) each respondent may file, not later than 10 days after receipt of notice from the Secretary, an answer to such complaint; and

(iv) the Secretary shall make an investigation of the alleged discriminatory housing practice and complete such investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) of this section with respect to a complaint, within 100 days after the commencement of such further action), unless it is impracticable to do so.

(C) If the Secretary is unable to complete the investigation within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) of this section with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(D) Complaints and answers shall be under oath or affirmation, and may be reasonably and fairly amended at any time.

(2)(A) A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under paragraph (1), to such person, from the Secretary.

(B) Such notice, in addition to meeting the requirements of paragraph (1), shall explain the basis for the Secretary's belief that the person to whom the notice is addressed is properly joined as a respondent.

(b) Investigative report and conciliation

(1) During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Secretary, the Secretary shall, to the extent feasible, engage in conciliation with respect to such complaint.

(2) A conciliation agreement arising out of such conciliation shall be an agreement between the respondent and the complainant, and shall be subject to approval by the Secretary.

(3) A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.

(4) Each conciliation agreement shall be made public unless the complainant and respondent

otherwise agree and the Secretary determines that disclosure is not required to further the purposes of this subchapter.

(5)(A) At the end of each investigation under this section, the Secretary shall prepare a final investigative report containing—

(i) the names and dates of contacts with witnesses;

(ii) a summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;

(iii) a summary description of other pertinent records;

(iv) a summary of witness statements; and

(v) answers to interrogatories.

(B) A final report under this paragraph may be amended if additional evidence is later discovered.

(c) Failure to comply with conciliation agreement

Whenever the Secretary has reasonable cause to believe that a respondent has breached a conciliation agreement, the Secretary shall refer the matter to the Attorney General with a recommendation that a civil action be filed under section 3614 of this title for the enforcement of such agreement.

(d) Prohibitions and requirements with respect to disclosure of information

(1) Nothing said or done in the course of conciliation under this subchapter may be made public or used as evidence in a subsequent proceeding under this subchapter without the written consent of the persons concerned.

(2) Notwithstanding paragraph (1), the Secretary shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Secretary's investigation, information derived from an investigation and any final investigative report relating to that investigation.

(e) Prompt judicial action

(1) If the Secretary concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this subchapter, the Secretary may authorize a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint under this section. Upon receipt of such an authorization, the Attorney General shall promptly commence and maintain such an action. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with the Federal Rules of Civil Procedure. The commencement of a civil action under this subsection does not affect the initiation or continuation of administrative proceedings under this section and section 3612 of this title.

(2) Whenever the Secretary has reason to believe that a basis may exist for the commencement of proceedings against any respondent under sections 3614(a) and 3614(c) of this title or for proceedings by any governmental licensing or supervisory authorities, the Secretary shall transmit the information upon which such belief is based to the Attorney General, or to such authorities, as the case may be.

(f) Referral for State or local proceedings

(1) Whenever a complaint alleges a discriminatory housing practice—

(A) within the jurisdiction of a State or local public agency; and

(B) as to which such agency has been certified by the Secretary under this subsection;

the Secretary shall refer such complaint to that certified agency before taking any action with respect to such complaint.

(2) Except with the consent of such certified agency, the Secretary, after that referral is made, shall take no further action with respect to such complaint unless—

(A) the certified agency has failed to commence proceedings with respect to the complaint before the end of the 30th day after the date of such referral;

(B) the certified agency, having so commenced such proceedings, fails to carry forward such proceedings with reasonable promptness; or

(C) the Secretary determines that the certified agency no longer qualifies for certification under this subsection with respect to the relevant jurisdiction.

(3)(A) The Secretary may certify an agency under this subsection only if the Secretary determines that—

(i) the substantive rights protected by such agency in the jurisdiction with respect to which certification is to be made;

(ii) the procedures followed by such agency;

(iii) the remedies available to such agency; and

(iv) the availability of judicial review of such agency's action;

are substantially equivalent to those created by and under this subchapter.

(B) Before making such certification, the Secretary shall take into account the current practices and past performance, if any, of such agency.

(4) During the period which begins on September 13, 1988, and ends 40 months after September 13, 1988, each agency certified (including an agency certified for interim referrals pursuant to 24 CFR 115.11, unless such agency is subsequently denied recognition under 24 CFR 115.7) for the purposes of this subchapter on the day before September 13, 1988, shall for the purposes of this subsection be considered certified under this subsection with respect to those matters for which such agency was certified on September 13, 1988. If the Secretary determines in an individual case that an agency has not been able to meet the certification requirements within this 40-month period due to exceptional circumstances, such as the infrequency of legislative sessions in that jurisdiction, the Secretary may extend such period by not more than 8 months.

(5) Not less frequently than every 5 years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification. The Secretary shall take appropriate action with respect to any agency not so qualifying.

(g) Reasonable cause determination and effect

(1) The Secretary shall, within 100 days after the filing of the complaint (or, when the Sec-

retary takes further action under subsection (f)(2) of this section with respect to a complaint, within 100 days after the commencement of such further action), determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so, or unless the Secretary has approved a conciliation agreement with respect to the complaint. If the Secretary is unable to make the determination within 100 days after the filing of the complaint (or, when the Secretary takes further action under subsection (f)(2) of this section with respect to a complaint, within 100 days after the commencement of such further action), the Secretary shall notify the complainant and respondent in writing of the reasons for not doing so.

(2)(A) If the Secretary determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall, except as provided in subparagraph (C), immediately issue a charge on behalf of the aggrieved person, for further proceedings under section 3612 of this title.

(B) Such charge—

(i) shall consist of a short and plain statement of the facts upon which the Secretary has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;

(ii) shall be based on the final investigative report; and

(iii) need not be limited to the facts or grounds alleged in the complaint filed under subsection (a) of this section.

(C) If the Secretary determines that the matter involves the legality of any State or local zoning or other land use law or ordinance, the Secretary shall immediately refer the matter to the Attorney General for appropriate action under section 3614 of this title, instead of issuing such charge.

(3) If the Secretary determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Secretary shall promptly dismiss the complaint. The Secretary shall make public disclosure of each such dismissal.

(4) The Secretary may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(h) Service of copies of charge

After the Secretary issues a charge under this section, the Secretary shall cause a copy thereof, together with information as to how to make an election under section 3612(a) of this title and the effect of such an election, to be served—

(1) on each respondent named in such charge, together with a notice of opportunity for a hearing at a time and place specified in the notice, unless that election is made; and

(2) on each aggrieved person on whose behalf the complaint was filed.

(Pub. L. 90-284, title VIII, §810, as added Pub. L. 100-430, §8(2), Sept. 13, 1988, 102 Stat. 1625.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (e)(1), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

PRIOR PROVISIONS

A prior section 3610, Pub. L. 90-284, title VIII, §810, Apr. 11, 1968, 82 Stat. 85, related to enforcement, prior to repeal by Pub. L. 100-430, §8(2).

EFFECTIVE DATE

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3602, 3604, 3608, 3613, 3614, 3616a of this title.

§ 3611. Subpoenas; giving of evidence**(a) In general**

The Secretary may, in accordance with this subsection, issue subpoenas and order discovery in aid of investigations and hearings under this subchapter. Such subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served in aid of a civil action in the United States district court for the district in which the investigation is taking place.

(b) Witness fees

Witnesses summoned by a subpoena under this subchapter shall be entitled to the same witness and mileage fees as witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a party shall be paid by that party or, where a party is unable to pay the fees, by the Secretary.

(c) Criminal penalties

(1) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if it is in such person's power to do so, in obedience to the subpoena or other lawful order under subsection (a) of this section, shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

(2) Any person who, with intent thereby to mislead another person in any proceeding under this subchapter—

(A) makes or causes to be made any false entry or statement of fact in any report, account, record, or other document produced pursuant to subpoena or other lawful order under subsection (a) of this section;

(B) willfully neglects or fails to make or to cause to be made full, true, and correct entries in such reports, accounts, records, or other documents; or

(C) willfully mutilates, alters, or by any other means falsifies any documentary evidence;

shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

(Pub. L. 90-284, title VIII, §811, as added Pub. L. 100-430, §8(2), Sept. 13, 1988, 102 Stat. 1628.)

PRIOR PROVISIONS

A prior section 3611, Pub. L. 90-284, title VIII, §811, Apr. 11, 1968, 82 Stat. 87, related to evidence, prior to repeal by Pub. L. 100-430, §8(2).

EFFECTIVE DATE

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3612 of this title.

§ 3612. Enforcement by Secretary**(a) Election of judicial determination**

When a charge is filed under section 3610 of this title, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed, may elect to have the claims asserted in that charge decided in a civil action under subsection (o) of this section in lieu of a hearing under subsection (b) of this section. The election must be made not later than 20 days after the receipt by the electing person of service under section 3610(h) of this title or, in the case of the Secretary, not later than 20 days after such service. The person making such election shall give notice of doing so to the Secretary and to all other complainants and respondents to whom the charge relates.

(b) Administrative law judge hearing in absence of election

If an election is not made under subsection (a) of this section with respect to a charge filed under section 3610 of this title, the Secretary shall provide an opportunity for a hearing on the record with respect to a charge issued under section 3610 of this title. The Secretary shall delegate the conduct of a hearing under this section to an administrative law judge appointed under section 3105 of title 5. The administrative law judge shall conduct the hearing at a place in the vicinity in which the discriminatory housing practice is alleged to have occurred or to be about to occur.

(c) Rights of parties

At a hearing under this section, each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses, and obtain the issuance of subpoenas under section 3611 of this title. Any aggrieved person may intervene as a party in the proceeding. The Federal Rules of Evidence apply to the presentation of evidence in such hearing as they would in a civil action in a United States district court.

(d) Expedited discovery and hearing

(1) Discovery in administrative proceedings under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the need of all parties to obtain relevant evidence.

(2) A hearing under this section shall be conducted as expeditiously and inexpensively as possible, consistent with the needs and rights of the parties to obtain a fair hearing and a complete record.

(3) The Secretary shall, not later than 180 days after September 13, 1988, issue rules to implement this subsection.

(e) Resolution of charge

Any resolution of a charge before a final order under this section shall require the consent of the aggrieved person on whose behalf the charge is issued.

(f) Effect of trial of civil action on administrative proceedings

An administrative law judge may not continue administrative proceedings under this section regarding any alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under an Act of Congress or a State law, seeking relief with respect to that discriminatory housing practice.

(g) Hearings, findings and conclusions, and order

(1) The administrative law judge shall commence the hearing under this section no later than 120 days following the issuance of the charge, unless it is impracticable to do so. If the administrative law judge is unable to commence the hearing within 120 days after the issuance of the charge, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

(2) The administrative law judge shall make findings of fact and conclusions of law within 60 days after the end of the hearing under this section, unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within such period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the Secretary, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing of the reasons for not doing so.

(3) If the administrative law judge finds that a respondent has engaged or is about to engage in a discriminatory housing practice, such administrative law judge shall promptly issue an order for such relief as may be appropriate, which may include actual damages suffered by the aggrieved person and injunctive or other equitable relief. Such order may, to vindicate the public interest, assess a civil penalty against the respondent—

(A) in an amount not exceeding \$10,000 if the respondent has not been adjudged to have committed any prior discriminatory housing practice;

(B) in an amount not exceeding \$25,000 if the respondent has been adjudged to have committed one other discriminatory housing practice during the 5-year period ending on the date of the filing of this charge; and

(C) in an amount not exceeding \$50,000 if the respondent has been adjudged to have committed 2 or more discriminatory housing practices during the 7-year period ending on the date of the filing of this charge;

except that if the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same natural person who has been previously adjudged to have committed acts constituting a discriminatory housing practice, then the civil penalties set forth in subparagraphs (B) and (C) may be im-

posed without regard to the period of time within which any subsequent discriminatory housing practice occurred.

(4) No such order shall affect any contract, sale, encumbrance, or lease consummated before the issuance of such order and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the charge filed under this subchapter.

(5) In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the Secretary shall, not later than 30 days after the date of the issuance of such order (or, if such order is judicially reviewed, 30 days after such order is in substance affirmed upon such review)—

(A) send copies of the findings of fact, conclusions of law, and the order, to that governmental agency; and

(B) recommend to that governmental agency appropriate disciplinary action (including, where appropriate, the suspension or revocation of the license of the respondent).

(6) In the case of an order against a respondent against whom another order was issued within the preceding 5 years under this section, the Secretary shall send a copy of each such order to the Attorney General.

(7) If the administrative law judge finds that the respondent has not engaged or is not about to engage in a discriminatory housing practice, as the case may be, such administrative law judge shall enter an order dismissing the charge. The Secretary shall make public disclosure of each such dismissal.

(h) Review by Secretary; service of final order

(1) The Secretary may review any finding, conclusion, or order issued under subsection (g) of this section. Such review shall be completed not later than 30 days after the finding, conclusion, or order is so issued; otherwise the finding, conclusion, or order becomes final.

(2) The Secretary shall cause the findings of fact and conclusions of law made with respect to any final order for relief under this section, together with a copy of such order, to be served on each aggrieved person and each respondent in the proceeding.

(i) Judicial review

(1) Any party aggrieved by a final order for relief under this section granting or denying in whole or in part the relief sought may obtain a review of such order under chapter 158 of title 28.

(2) Notwithstanding such chapter, venue of the proceeding shall be in the judicial circuit in which the discriminatory housing practice is alleged to have occurred, and filing of the petition for review shall be not later than 30 days after the order is entered.

(j) Court enforcement of administrative order upon petition by Secretary

(1) The Secretary may petition any United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred or in which any respondent resides or transacts business for the enforcement of the order of the administrative law judge and

for appropriate temporary relief or restraining order, by filing in such court a written petition praying that such order be enforced and for appropriate temporary relief or restraining order.

(2) The Secretary shall file in court with the petition the record in the proceeding. A copy of such petition shall be forthwith transmitted by the clerk of the court to the parties to the proceeding before the administrative law judge.

(k) Relief which may be granted

(1) Upon the filing of a petition under subsection (i) or (j) of this section, the court may—

(A) grant to the petitioner, or any other party, such temporary relief, restraining order, or other order as the court deems just and proper;

(B) affirm, modify, or set aside, in whole or in part, the order, or remand the order for further proceedings; and

(C) enforce such order to the extent that such order is affirmed or modified.

(2) Any party to the proceeding before the administrative law judge may intervene in the court of appeals.

(3) No objection not made before the administrative law judge shall be considered by the court, unless the failure or neglect to urge such objection is excused because of extraordinary circumstances.

(l) Enforcement decree in absence of petition for review

If no petition for review is filed under subsection (i) of this section before the expiration of 45 days after the date the administrative law judge's order is entered, the administrative law judge's findings of fact and order shall be conclusive in connection with any petition for enforcement—

(1) which is filed by the Secretary under subsection (j) of this section after the end of such day; or

(2) under subsection (m) of this section.

(m) Court enforcement of administrative order upon petition of any person entitled to relief

If before the expiration of 60 days after the date the administrative law judge's order is entered, no petition for review has been filed under subsection (i) of this section, and the Secretary has not sought enforcement of the order under subsection (j) of this section, any person entitled to relief under the order may petition for a decree enforcing the order in the United States court of appeals for the circuit in which the discriminatory housing practice is alleged to have occurred.

(n) Entry of decree

The clerk of the court of appeals in which a petition for enforcement is filed under subsection (l) or (m) of this section shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary, the respondent named in the petition, and to any other parties to the proceeding before the administrative law judge.

(o) Civil action for enforcement when election is made for such civil action

(1) If an election is made under subsection (a) of this section, the Secretary shall authorize,

and not later than 30 days after the election is made the Attorney General shall commence and maintain, a civil action on behalf of the aggrieved person in a United States district court seeking relief under this subsection. Venue for such civil action shall be determined under chapter 87 of title 28.

(2) Any aggrieved person with respect to the issues to be determined in a civil action under this subsection may intervene as of right in that civil action.

(3) In a civil action under this subsection, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under section 3613 of this title. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under section 3613 of this title shall also accrue to that aggrieved person in a civil action under this subsection. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court shall not award such relief if that aggrieved person has not complied with discovery orders entered by the court.

(p) Attorney's fees

In any administrative proceeding brought under this section, or any court proceeding arising therefrom, or any civil action under this section, the administrative law judge or the court, as the case may be, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 504 of title 5 or by section 2412 of title 28.

(Pub. L. 90-284, title VIII, §812, as added Pub. L. 100-430, §8(2), Sept. 13, 1988, 102 Stat. 1629.)

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.

PRIOR PROVISIONS

A prior section 3612, Pub. L. 90-284, title VIII, §812, Apr. 11, 1968, 82 Stat. 88, related to enforcement by private persons, prior to repeal by Pub. L. 100-430, §8(2).

EFFECTIVE DATE

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3608 of this title; title 28 sections 2341, 2342.

§ 3613. Enforcement by private persons

(a) Civil action

(1)(A) An aggrieved person may commence a civil action in an appropriate United States district court or State court not later than 2 years after the occurrence or the termination of an alleged discriminatory housing practice, or the breach of a conciliation agreement entered into under this subchapter, whichever occurs last, to

obtain appropriate relief with respect to such discriminatory housing practice or breach.

(B) The computation of such 2-year period shall not include any time during which an administrative proceeding under this subchapter was pending with respect to a complaint or charge under this subchapter based upon such discriminatory housing practice. This subparagraph does not apply to actions arising from a breach of a conciliation agreement.

(2) An aggrieved person may commence a civil action under this subsection whether or not a complaint has been filed under section 3610(a) of this title and without regard to the status of any such complaint, but if the Secretary or a State or local agency has obtained a conciliation agreement with the consent of an aggrieved person, no action may be filed under this subsection by such aggrieved person with respect to the alleged discriminatory housing practice which forms the basis for such complaint except for the purpose of enforcing the terms of such an agreement.

(3) An aggrieved person may not commence a civil action under this subsection with respect to an alleged discriminatory housing practice which forms the basis of a charge issued by the Secretary if an administrative law judge has commenced a hearing on the record under this subchapter with respect to such charge.

(b) Appointment of attorney by court

Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may—

- (1) appoint an attorney for such person; or
- (2) authorize the commencement or continuation of a civil action under subsection (a) of this section without the payment of fees, costs, or security, if in the opinion of the court such person is financially unable to bear the costs of such action.

(c) Relief which may be granted

(1) In a civil action under subsection (a) of this section, if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may award to the plaintiff actual and punitive damages, and subject to subsection (d) of this section, may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate).

(2) In a civil action under subsection (a) of this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the same extent as a private person.

(d) Effect on certain sales, encumbrances, and rentals

Relief granted under this section shall not affect any contract, sale, encumbrance, or lease consummated before the granting of such relief and involving a bona fide purchaser, encumbrancer, or tenant, without actual notice of the filing of a complaint with the Secretary or civil action under this subchapter.

(e) Intervention by Attorney General

Upon timely application, the Attorney General may intervene in such civil action, if the Attorney General certifies that the case is of general public importance. Upon such intervention the Attorney General may obtain such relief as would be available to the Attorney General under section 3614(e) of this title in a civil action to which such section applies.

(Pub. L. 90-284, title VIII, §813, as added Pub. L. 100-430, §8(2), Sept. 13, 1988, 102 Stat. 1633.)

PRIOR PROVISIONS

A prior section 3613, Pub. L. 90-284, title VIII, §813, Apr. 11, 1968, 82 Stat. 88, related to enforcement by Attorney General by bringing civil action requesting preventive relief, prior to repeal by Pub. L. 100-430, §8(2).

EFFECTIVE DATE

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3612, 3614 of this title.

§ 3614. Enforcement by Attorney General

(a) Pattern or practice cases

Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this subchapter, or that any group of persons has been denied any of the rights granted by this subchapter and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court.

(b) On referral of discriminatory housing practice or conciliation agreement for enforcement

(1)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to a discriminatory housing practice referred to the Attorney General by the Secretary under section 3610(g) of this title.

(B) A civil action under this paragraph may be commenced not later than the expiration of 18 months after the date of the occurrence or the termination of the alleged discriminatory housing practice.

(2)(A) The Attorney General may commence a civil action in any appropriate United States district court for appropriate relief with respect to breach of a conciliation agreement referred to the Attorney General by the Secretary under section 3610(c) of this title.

(B) A civil action may be commenced under this paragraph not later than the expiration of 90 days after the referral of the alleged breach under section 3610(c) of this title.

(c) Enforcement of subpoenas

The Attorney General, on behalf of the Secretary, or other party at whose request a subpoena is issued, under this subchapter, may en-

force such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(d) Relief which may be granted in civil actions under subsections (a) and (b)

(1) In a civil action under subsection (a) or (b) of this section, the court—

(A) may award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this subchapter as is necessary to assure the full enjoyment of the rights granted by this subchapter;

(B) may award such other relief as the court deems appropriate, including monetary damages to persons aggrieved; and

(C) may, to vindicate the public interest, assess a civil penalty against the respondent—

(i) in an amount not exceeding \$50,000, for a first violation; and

(ii) in an amount not exceeding \$100,000, for any subsequent violation.

(2) In a civil action under this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee and costs. The United States shall be liable for such fees and costs to the extent provided by section 2412 of title 28.

(e) Intervention in civil actions

Upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) of this section which involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 3613 of this title.

(Pub. L. 90-284, title VIII, §814, as added Pub. L. 100-430, §8(2), Sept. 13, 1988, 102 Stat. 1634.)

PRIOR PROVISIONS

A prior section 3614, Pub. L. 90-284, title VIII, §814, Apr. 11, 1968, 82 Stat. 88, related to expedition of court proceedings under section 3612 or 3613 of this title, prior to repeal by Pub. L. 98-620, title IV, §402(40), Nov. 8, 1984, 98 Stat. 3360.

EFFECTIVE DATE

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3610, 3613 of this title.

§ 3614a. Rules to implement subchapter

The Secretary may make rules (including rules for the collection, maintenance, and analysis of appropriate data) to carry out this subchapter. The Secretary shall give public notice and opportunity for comment with respect to all rules made under this section.

(Pub. L. 90-284, title VIII, §815, as added Pub. L. 100-430, §8(2), Sept. 13, 1988, 102 Stat. 1635.)

PRIOR PROVISIONS

A prior section 815 of Pub. L. 90-284 was renumbered section 816 and is classified to section 3615 of this title.

EFFECTIVE DATE

Section effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as an Effective Date of 1988 Amendment note under section 3601 of this title.

INITIAL RULEMAKING

Secretary to issue rules to implement this subchapter as amended by Pub. L. 100-430 not later than the 180th day after Sept. 13, 1988, see section 13(b) of Pub. L. 100-430, set out as a note under section 3601 of this title.

§ 3615. Effect on State laws

Nothing in this subchapter shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this subchapter shall be effective, that grants, guarantees, or protects the same rights as are granted by this subchapter; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this subchapter shall to that extent be invalid.

(Pub. L. 90-284, title VIII, §816, formerly §815, Apr. 11, 1968, 82 Stat. 89; renumbered §816, Pub. L. 100-430, §8(1), Sept. 13, 1988, 102 Stat. 1625.)

PRIOR PROVISIONS

A prior section 816 of Pub. L. 90-284 was renumbered section 817 and is classified to section 3616 of this title.

§ 3616. Cooperation with State and local agencies administering fair housing laws; utilization of services and personnel; reimbursement; written agreements; publication in Federal Register

The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this subchapter. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

(Pub. L. 90-284, title VIII, §817, formerly §816, Apr. 11, 1968, 82 Stat. 89; renumbered §817, Pub. L. 100-430, §8(1), Sept. 13, 1988, 102 Stat. 1625.)

PRIOR PROVISIONS

A prior section 817 of Pub. L. 90-284 was renumbered section 818 and is classified to section 3617 of this title.

FAIR HOUSING INITIATIVES PROGRAM

Pub. L. 100-242, title V, §561, Feb. 5, 1988, 101 Stat. 1942, as amended, which established a demonstration program on fair housing initiatives and was formerly set out as a note under this section, was transferred to section 3616a of this title.

§ 3616a. Fair housing initiatives program**(a) In general**

The Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) may make grants to, or (to the extent of amounts provided in appropriation Acts) enter into contracts or cooperative agreements with, State or local governments or their agencies, public or private nonprofit organizations or institutions, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, to develop, implement, carry out, or coordinate—

(1) programs or activities designed to obtain enforcement of the rights granted by title VIII of the Act of April 11, 1968 [42 U.S.C. 3601 et seq.] (commonly referred to as the Civil Rights Act of 1968), or by State or local laws that provide rights and remedies for alleged discriminatory housing practices that are substantially equivalent to the rights and remedies provided in such title VIII, through such appropriate judicial or administrative proceedings (including informal methods of conference, conciliation, and persuasion) as are available therefor; and

(2) education and outreach programs designed to inform the public concerning rights and obligations under the laws referred to in paragraph (1).

(b) Private enforcement initiatives**(1) In general**

The Secretary shall use funds made available under this subsection to conduct, through contracts with private nonprofit fair housing enforcement organizations, investigations of violations of the rights granted under title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.], and such enforcement activities as appropriate to remedy such violations. The Secretary may enter into multiyear contracts and take such other action as is appropriate to enhance the effectiveness of such investigations and enforcement activities.

(2) Activities

The Secretary shall use funds made available under this subsection to conduct, through contracts with private nonprofit fair housing enforcement organizations, a range of investigative and enforcement activities designed to—

(A) carry out testing and other investigative activities in accordance with subsection (b)(1) of this section, including building the capacity for housing investigative activities in unserved or underserved areas;

(B) discover and remedy discrimination in the public and private real estate markets and real estate-related transactions, including, but not limited to, the making or purchasing of loans or the provision of other financial assistance sales and rentals of housing and housing advertising;

(C) carry out special projects, including the development of prototypes to respond to new or sophisticated forms of discrimination against persons protected under title VIII of

the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.];

(D) provide technical assistance to local fair housing organizations, and assist in the formation and development of new fair housing organizations; and

(E) provide funds for the costs and expenses of litigation, including expert witness fees.

(c) Funding of fair housing organizations**(1) In general**

The Secretary shall use funds made available under this section to enter into contracts or cooperative agreements with qualified fair housing enforcement organizations, other private nonprofit fair housing enforcement organizations, and nonprofit groups organizing to build their capacity to provide fair housing enforcement, for the purpose of supporting the continued development or implementation of initiatives which enforce the rights granted under title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.], as amended. Contracts or cooperative agreements may not provide more than 50 percent of the operating budget of the recipient organization for any one year.

(2) Capacity enhancement

The Secretary shall use funds made available under this section to help establish, organize, and build the capacity of fair housing enforcement organizations, particularly in those areas of the country which are currently underserved by fair housing enforcement organizations as well as those areas where large concentrations of protected classes exist. For purposes of meeting the objectives of this paragraph, the Secretary may enter into contracts or cooperative agreements with qualified fair housing enforcement organizations. The Secretary shall establish annual goals which reflect the national need for private fair housing enforcement organizations.

(d) Education and outreach**(1) In general**

The Secretary, through contracts with one or more qualified fair housing enforcement organizations, other fair housing enforcement organizations, and other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.], shall establish a national education and outreach program. The national program shall be designed to provide a centralized, coordinated effort for the development and dissemination of fair housing media products, including—

(A) public service announcements, both audio and video;

(B) television, radio and print advertisements;

(C) posters; and

(D) pamphlets and brochures.

The Secretary shall designate a portion of the amounts provided in subsection (g)(4) of this section for a national program specifically for activities related to the annual national fair housing month. The Secretary shall encourage cooperation with real estate industry organi-

zations in the national education and outreach program. The Secretary shall also encourage the dissemination of educational information and technical assistance to support compliance with the housing adaptability and accessibility guidelines contained in the Fair Housing Act Amendments of 1988.

(2) Regional and local programs

The Secretary, through contracts with fair housing enforcement organizations, other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968 [42 U.S.C. 3601 et seq.], State and local agencies certified by the Secretary under section 810(f) of the Fair Housing Act [42 U.S.C. 3610(f)], or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, shall establish or support education and outreach programs at the regional and local levels.

(3) Community-based programs

The Secretary shall provide funding to fair housing organizations and other nonprofit organizations representing groups of persons protected under title VIII of the Civil Rights Act of 1968, or other public or private entities that are formulating or carrying out programs to prevent or eliminate discriminatory housing practices, to support community-based education and outreach activities, including school, church, and community presentations, conferences, and other educational activities.

(e) Program administration

(1) Not less than 30 days before providing a grant or entering into any contract or cooperative agreement to carry out activities authorized by this section, the Secretary shall submit notification of such proposed grant, contract, or cooperative agreement (including a description of the geographical distribution of such contracts) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(2) The Secretary shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a quarterly report that summarizes the activities funded under this section and describes the geographical distribution of grants, contracts, or cooperative agreements funded under this section.

(f) Regulations

(1) The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

(2) The Secretary shall, for use during the demonstration authorized in this section, establish guidelines for testing activities funded under the private enforcement initiative of the fair housing initiatives program. The purpose of such guidelines shall be to ensure that investigations in support of fair housing enforcement efforts described in subsection (a)(1) of this section shall develop credible and objective evidence of discriminatory housing practices. Such

guidelines shall apply only to activities funded under this section, shall not be construed to limit or otherwise restrict the use of facts secured through testing not funded under this section in any legal proceeding under Federal fair housing laws, and shall not be used to restrict individuals or entities, including those participating in the fair housing initiatives program, from pursuing any right or remedy guaranteed by Federal law. Not later than 6 months after the end of the demonstration period authorized in this section,¹ the Secretary shall submit to Congress the evaluation of the Secretary of the effectiveness of such guidelines in achieving the purposes of this section.

(3) Such regulations shall include provisions governing applications for assistance under this section, and shall require each such application to contain—

(A) a description of the assisted activities proposed to be undertaken by the applicant, together with the estimated costs and schedule for completion of such activities;

(B) a description of the experience of the applicant in formulating or carrying out programs to prevent or eliminate discriminatory housing practices;

(C) available information, including studies made by or available to the applicant, indicating the nature and extent of discriminatory housing practices occurring in the general location where the applicant proposes to conduct its assisted activities, and the relationship of such activities to such practices;

(D) an estimate of such other public or private resources as may be available to assist the proposed activities;

(E) a description of proposed procedures to be used by the applicant for monitoring conduct and evaluating results of the proposed activities; and

(F) any additional information required by the Secretary.

(4) Regulations issued under this subsection shall not become effective prior to the expiration of 90 days after the Secretary transmits such regulations, in the form such regulations are intended to be published, to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives.

(5) The Secretary shall not obligate or expend any amount under this section before the effective date of the regulations required under this subsection.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this section,² \$21,000,000 for fiscal year 1993 and \$26,000,000 for fiscal year 1994, of which—

(1) not less than \$3,820,000 for fiscal year 1993 and \$8,500,000 for fiscal year 1994 shall be for private enforcement initiatives authorized under subsection (b) of this section, divided equally between activities specified under subsection (b)(1) of this section and those specified under subsection (b)(2) of this section;

¹ See References in Text note below.

² So in original. The comma probably should not appear.

(2) not less than \$2,230,000 for fiscal year 1993 and \$8,500,000 for fiscal year 1994 shall be for qualified fair housing enforcement organizations authorized under subsection (c)(1) of this section;

(3) not less than \$2,010,000 for fiscal year 1993 and \$4,000,000 for fiscal year 1994 shall be for the creation of new fair housing enforcement organizations authorized under subsection (c)(2) of this section; and

(4) not less than \$2,540,000 for fiscal year 1993 and \$5,000,000 for fiscal year 1994 shall be for education and outreach programs authorized under subsection (d) of this section, to be divided equally between activities specified under subsection (d)(1) of this section and those specified under subsections (d)(2) and (d)(3) of this section.

Any amount appropriated under this section shall remain available until expended.

(h) Qualified fair housing enforcement organization

(1) The term “qualified fair housing enforcement organization” means any organization that—

(A) is organized as a private, tax-exempt, nonprofit, charitable organization;

(B) has at least 2 years experience in complaint intake, complaint investigation, testing for fair housing violations and enforcement of meritorious claims; and

(C) is engaged in all the activities listed in paragraph (1)(B) at the time of application for assistance under this section.

An organization which is not solely engaged in fair housing enforcement activities may qualify as a qualified fair housing enforcement organization, provided that the organization is actively engaged in each of the activities listed in subparagraph (B).

(2) The term “fair housing enforcement organization” means any organization that—

(A) meets the requirements specified in paragraph (1)(A);

(B) is currently engaged in the activities specified in paragraph (1)(B);

(C) upon the receipt of funds under this section will become engaged in all of the activities specified in paragraph (1)(B); and

(D) for purposes of funding under subsection (b) of this section, has at least 1 year of experience in the activities specified in paragraph (1)(B).

(i) Prohibition on use of funds

None of the funds authorized under this section may be used by the Secretary for purposes of settling claims, satisfying judgments or fulfilling court orders in any litigation action involving either the Department or housing providers funded by the Department. None of the funds authorized under this section may be used by the Department for administrative costs.

(j) Reporting requirements

Not later than 180 days after the close of each fiscal year in which assistance under this section is furnished, the Secretary shall prepare and submit to the Congress a comprehensive report which shall contain—

(1) a description of the progress made in accomplishing the objectives of this section;

(2) a summary of all the private enforcement activities carried out under this section and the use of such funds during the preceding fiscal year;

(3) a list of all fair housing enforcement organizations funded under this section during the preceding fiscal year, identified on a State-by-State basis;

(4) a summary of all education and outreach activities funded under this section and the use of such funds during the preceding fiscal year; and

(5) any findings, conclusions, or recommendations of the Secretary as a result of the funded activities.

(Pub. L. 100-242, title V, §561, Feb. 5, 1988, 101 Stat. 1942; Pub. L. 101-625, title IX, §953, Nov. 28, 1990, 104 Stat. 4419; Pub. L. 102-550, title IX, §905(b), Oct. 28, 1992, 106 Stat. 3869.)

REFERENCES IN TEXT

The Civil Rights Act of 1968, referred to in subsecs. (a)(1), (b)(1), (2)(C), (c)(1), and (d), is Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 73, as amended. Title VIII of the Act, known as the Fair Housing Act, is classified principally to subchapter I (§3601 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title notes set out under sections 2000a and 3601 of this title and Tables.

The Fair Housing Act Amendments of 1988, referred to in subsec. (d)(1), probably means the Fair Housing Amendments Act of 1988, Pub. L. 100-430, Sept. 13, 1988, 102 Stat. 1619, as amended. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 3601 of this title and Tables.

The phrase “Not later than 6 months after the end of the demonstration period authorized in this section”, referred to in subsec. (f)(2), probably means the end of the demonstration period pursuant to former subsec. (e) of this section, which provided that such period was to end Sept. 30, 1992. However, subsec. (e) was redesignated (h) and struck out by Pub. L. 102-550. See 1992 Amendment notes below.

CODIFICATION

Section was enacted as part of the Housing and Community Development Act of 1987, and not as part of title VIII of Pub. L. 90-284, known as the Fair Housing Act, which comprises this subchapter.

Section was formerly set out as a note under section 3616 of this title.

AMENDMENTS

1992—Subsecs. (b) to (f). Pub. L. 102-550, §905(b)(1), (2), added subsecs. (b) to (d) and redesignated former subsecs. (b) and (c) as (e) and (f), respectively.

Subsec. (g). Pub. L. 102-550, §905(b)(1), (3), redesignated subsec. (d) as (g) and, in first sentence, substituted “\$21,000,000 for fiscal year 1993 and \$26,000,000 for fiscal year 1994, of which—” and pars. (1) to (4) for “including any program evaluations, \$6,000,000 for fiscal year 1991 and \$6,300,000 for fiscal year 1992, of which not more than \$3,000,000 in each year shall be for the private enforcement initiative demonstration.”

Subsec. (h). Pub. L. 102-550, §905(b)(4), added subsec. (h) and struck out former subsec. (h) which provided that the demonstration period authorized by this section would end Sept. 30, 1992.

Pub. L. 102-550, §905(b)(1), redesignated subsec. (e) as (h).

Subsecs. (i), (j). Pub. L. 102-550, §905(b)(4), added subsecs. (i) and (j).

1990—Subsec. (d). Pub. L. 101-625, §953(a), amended first sentence generally. Prior to amendment, first sen-

tence read as follows: "There are authorized to be appropriated to carry out the provisions of this section, including any program evaluations, \$5,000,000 for fiscal year 1988, and \$5,000,000 for fiscal year 1989, of which not more than \$3,000,000 in each year shall be for the private enforcement initiative demonstration."

Subsec. (e). Pub. L. 101-625, § 953(b), substituted "1992" for "1989".

CHANGE OF NAME

Committee on Banking, Finance and Urban Affairs of House of Representatives changed to Committee on Banking and Financial Services of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

CONGRESSIONAL FINDINGS

Section 905(a) of Pub. L. 102-550 provided that: "The Congress finds that—

"(1) in the past half decade, there have been major legislative and administrative changes in Federal fair housing and fair lending laws and substantial improvements in the Nation's understanding of discrimination in the housing markets;

"(2) in response to evidence of continuing housing discrimination, the Congress passed the Fair Housing Act Amendments of 1988 [probably should be the Fair Housing Amendments Act of 1988, Pub. L. 100-430, see Short Title of 1988 Amendment note set out under section 3601 of this title], to provide for more effective enforcement of fair housing rights through judicial and administrative avenues and to expand the number of protected classes covered under Federal fair housing laws;

"(3) in the Financial Institutions Reform, Recovery and Enforcement Act of 1989 [Pub. L. 101-73, see Short Title of 1989 Amendment note set out under 12 U.S.C. 1811], the Congress expanded the disclosure provisions under the Home Mortgage Disclosure Act [probably should be the Home Mortgage Disclosure Act of 1975; 12 U.S.C. 2801 et seq.] to provide increased information on the mortgage lending patterns of financial institutions;

"(4) in the Americans with Disabilities Act of 1990 [42 U.S.C. 12101 et seq.], the Congress provided a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;

"(5) in 1991, data collected under the Home Mortgage Disclosure Act disclosed evidence of pervasive discrimination in the Nation's mortgage lending markets;

"(6) the Housing Discrimination Survey, released by the Department of Housing and Urban Development in 1991, found that Hispanic and African-American homeseekers experience some form of discrimination in at least half of their encounters with sales and rental agents;

"(7) the Fair Housing Initiatives Program should be revised and expanded to reflect the significant changes in the fair housing and fair lending area that have taken place since the Program's initial authorization in the Housing and Community Development Act of 1987 [Pub. L. 100-242, see Short Title of 1988 Amendment note under section 5301 of this title];

"(8) continuing educational efforts by the real estate industry are a useful way to increase understanding by the public of their fair housing rights and responsibilities; and

"(9) the proven efficacy of private nonprofit fair housing enforcement organizations and community-based efforts makes support for these organizations a necessary component of the fair housing enforcement system."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3535 of this title.

§ 3617. Interference, coercion, or intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the ex-

ercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 3603, 3604, 3605, or 3606 of this title.

(Pub. L. 90-284, title VIII, § 818, formerly § 817, Apr. 11, 1968, 82 Stat. 89; renumbered § 818 and amended Pub. L. 100-430, §§ 8(1), 10, Sept. 13, 1988, 102 Stat. 1625, 1635.)

PRIOR PROVISIONS

A prior section 818 of Pub. L. 90-284 was renumbered section 819 and is classified to section 3618 of this title.

AMENDMENTS

1988—Pub. L. 100-430 struck out at end "This section may be enforced by appropriate civil action."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-430 effective on the 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as a note under section 3601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3602 of this title.

§ 3618. Authorization of appropriations

There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this subchapter.

(Pub. L. 90-284, title VIII, § 819, formerly § 818, Apr. 11, 1968, 82 Stat. 89; renumbered § 819, Pub. L. 100-430, § 8(1), Sept. 13, 1988, 102 Stat. 1625.)

PRIOR PROVISIONS

A prior section 819 of Pub. L. 90-284 was renumbered section 820 and is classified to section 3619 of this title.

§ 3619. Separability

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the remainder of the subchapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Pub. L. 90-284, title VIII, § 820, formerly § 819, Apr. 11, 1968, 82 Stat. 89; renumbered § 820, Pub. L. 100-430, § 8(1), Sept. 13, 1988, 102 Stat. 1625.)

SUBCHAPTER II—PREVENTION OF INTIMIDATION

§ 3631. Violations; penalties

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(a) any person because of his race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(1) participating, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section; or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title), or national origin, in any of the activities, services, organizations or facilities described in subsection (a) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined under this title¹ or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined under this title¹ or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title¹ or imprisoned for any term of years or for life, or both.

(Pub. L. 90-284, title IX, §901, Apr. 11, 1968, 82 Stat. 89; Pub. L. 93-383, title VIII, §808(b)(4), Aug. 22, 1974, 88 Stat. 729; Pub. L. 100-430, §9, Sept. 13, 1988, 102 Stat. 1635; Pub. L. 103-322, title XXXII, §320103(e), Sept. 13, 1994, 108 Stat. 2110.)

AMENDMENTS

1994—Pub. L. 103-322, §320103(e), which directed the amendment of section “901 of the Fair Housing Act (42 U.S.C. 3631)”, was executed by amending this section, which is section 901 of the Civil Rights Act of 1968, to reflect the probable intent of Congress. See below.

Pub. L. 103-322, §320103(e)(1), which directed amendment in the caption by striking “bodily injury; death;”, could not be executed because the words “bodily injury; death;” do not appear in the section catchline in the original.

Pub. L. 103-322, §320103(e)(2)–(7), in concluding provisions, substituted “under this title” for “not more than \$1,000,” before “or imprisoned not more than one year”, inserted “from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire” after “bodily injury results”, substituted “under this title” for “not more than \$10,000,” before “or imprisoned not more than ten years”, inserted “from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, ag-

gravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill,” after “death results”, substituted “fined under this title or imprisoned” for “subject to imprisonment” before “for any term of years”, and inserted “, or both” before period at end.

1988—Cl. (a), (b)(1), (c). Pub. L. 100-430 inserted “, handicap (as such term is defined in section 3602 of this title), familial status (as such term is defined in section 3602 of this title),” after “sex”.

1974—Pub. L. 93-383 inserted “, sex” after “religion” wherever appearing in cl. (a), (b)(1), and (c).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-430 effective on 180th day beginning after Sept. 13, 1988, see section 13(a) of Pub. L. 100-430, set out as a note under section 3601 of this title.

FEDERALLY PROTECTED ACTIVITIES; PENALTIES

Penalties for violations respecting federally protected activities not applicable to and not affecting activities under fair housing provisions of subchapter I of this chapter, see section 101(b) of Pub. L. 90-284, set out as a note under section 245 of Title 18, Crimes and Criminal Procedure.

CHAPTER 46—JUSTICE SYSTEM IMPROVEMENT

Sec.

3701. Repealed.

SUBCHAPTER I—OFFICE OF JUSTICE PROGRAMS

3711. Establishment of Office of Justice Programs.

3712. Duties and functions of Assistant Attorney General.

- (a) Specific, general and delegated powers.
- (b) Annual report to President and Congress.

SUBCHAPTER II—NATIONAL INSTITUTE OF JUSTICE

3721. Statement of purpose.

3722. National Institute of Justice.

- (a) Establishment; general authority of Attorney General over Institute.
- (b) Director of Institute; appointment by President; authority; restrictions.
- (c) Duties and functions.
- (d) Criminal and civil justice research.

3723. Authority for 100 per centum grants.

3724. Repealed.

SUBCHAPTER III—BUREAU OF JUSTICE STATISTICS

3731. Statement of purpose.

3732. Bureau of Justice Statistics.

- (a) Establishment.
- (b) Appointment of Director; experience; authority; restrictions.
- (c) Duties and functions of Bureau.
- (d) Justice statistical collection, analysis, and dissemination.
- (e) Furnishing of information, data, or reports by Federal agencies.
- (f) Consultation with representatives of State and local government and judiciary.

¹So in original. Probably should be “under title 18”.

Sec.		Sec.	
3733.	Authority for 100 per centum grants.	3759.	Improvement of criminal justice records.
3734.	Repealed.		(a) Percentage allocation of funds.
3735.	Use of data.		(b) Includible improvements.
	SUBCHAPTER IV—ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE		(c) Guidelines.
3741.	Establishment of Bureau of Justice Assistance.		(d) Expenditures unwarranted in light of quality of criminal justice records.
3742.	Duties and functions of Director.		
	SUBCHAPTER V—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS		
3750.	Name of programs.	3760.	PART B—DISCRETIONARY GRANTS
3750a.	Grant authorization.	3761.	SUBPART 1—GRANTS TO PUBLIC AND PRIVATE ENTITIES
	(a) Purpose.	3762.	Purposes.
	(b) Grants.		Allocation of funds for grants.
3750b.	Application.		Limitation on use of discretionary grant funds.
	(a) Submission.		
	(b) Content.		SUBPART 2—GRANTS TO PUBLIC AGENCIES
3750c.	Award of grants.	3762a.	Correctional options grants.
	(a) In general.		(a) Authority to make grants.
	(b) Grant amounts.		(b) Selection of grantees.
	(c) Multiple committees.	3762b.	(c) Consultations.
	(d) Renewal of grants.		Allocation of funds; administrative provisions.
3750d.	Authorization of appropriations.		(a) Allocation of funds.
			(b) Limit on grant share of cost.
			(c) Rules; report; request for applications.
	PART A—DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM		
3751.	Description of drug control and system improvement grant program.	3763.	SUBPART 3—GENERAL REQUIREMENTS
	(a) Purpose of program.	3764.	Application requirements.
	(b) Grants to States and units of local government; purposes of grants.		Period of award.
	(c) Program evaluation component; waiver.	3766.	PART C—ADMINISTRATIVE PROVISIONS
3752.	Eligibility.		Evaluation.
3753.	State applications.	3763.	(a) Guidelines and comprehensive evaluations.
3754.	Grant limitations.	3764.	(b) Criteria for selecting programs for review.
	(a) Cost of identified uses.		(c) Annual report.
	(b) Administrative costs.	3766a.	General provisions.
	(c) Participation in State and Local Task Force Program; use of grant.	3766b.	Reports.
	(d) Conduct of evaluation expenses.		
	(e) Non-Federal portion costs.		SUBCHAPTER VI—CRIMINAL JUSTICE FACILITY CONSTRUCTION: PILOT PROGRAM
	(f) Programs already receiving funds.	3769.	Authority for payments.
3755.	Review of State applications.	3769a.	Eligibility.
	(a) Financial assistance upon approval of application or amendment.		(a) Conditions.
	(b) Time limitation for approval; specific reasons for disapproval.	3769b.	(b) Development of plan; limitation of assistance.
	(c) Limitation on use of grant funds for land acquisition or construction projects.		Application; approval; payment.
	(d) Reasonable notice and opportunity for reconsideration before final disapproval.		(a) Terms and conditions of application.
3756.	Allocation and distribution of funds under formula grants.	3769c.	(b) Approval of application; criteria.
	(a) States.		(c) Amount of payment; limitation.
	(b) Units of local government.	3769d.	(d) Amendment of application; approval.
	(c) Programs eligible.		Recapture provisions.
	(d) Unneeded State allocated funds distributed to units of local government.		Clearinghouse on the construction and modernization of criminal justice facilities.
	(e) Funds not distributed.		(a) Functions; information.
	(f) Testing certain sex offenders for human immunodeficiency virus.		(b) Authority of Director.
3757.	State office.		
3758.	Distribution of grants to local government.	3771.	SUBCHAPTER VII—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE PERSONNEL
			Training and manpower development.
			(a) Functions, powers, and duties of Director of Federal Bureau of Investigation.
			(b) General authority of Attorney General over Director.
			(c) Training programs for State and local personnel at Federal Training Center.

Sec.	SUBCHAPTER VIII—ADMINISTRATIVE PROVISIONS	Sec.	
3781.	Repealed.		(a) General rule.
3782.	Rules, regulations, and procedures; consultations and establishment.		(b) Racial imbalance requirement restriction.
	(a) General authorization of certain Federal agencies.		(c) Discrimination prohibited; notice of non-compliance; suspension and restoration of payments; hearing; civil action by Attorney General; private action, attorney fees, intervention by Attorney General.
	(b) Continuing evaluation of selected programs or projects; cost, effectiveness, impact value, and comparative considerations; annual performance report; assessment of activity effectiveness; suspension of funds for nonsubmission of report.	3789e.	Report to President and Congress.
	(c) Procedures for paperwork minimization and prevention of duplication and delays in award and expenditure of funds.	3789f.	Other administrative provisions.
3783.	Notice and hearing on denial or termination of grant.		(a) Recordkeeping requirement; scope of disclosure; other sources of funds.
	(a) Payments to recipients; limitation, reduction, or termination.		(b) Access to records for audit and examination.
	(b) Notice of action; reasons for action; hearing or investigation; finality of findings and determinations; reasons in detail for action without hearing.		(c) Audit and examination period after completion of program or project.
	(c) Rehearing; regulations and procedures; presentation of additional information.		(d) Recipients of assistance subject to provisions of section.
3784.	Finality of determinations.		(e) Revolving fund for acquisition of stolen goods and property within Bureau of Justice Assistance.
3785.	Appellate court review.	3789g.	Confidentiality of information.
	(a) Jurisdiction of court of appeals; petition for review; time for filing, copies; record; objections before appropriate agency.		(a) Research or statistical information; immunity from process; prohibition against admission as evidence or use in any proceedings.
	(b) Determination by court of appeals: conclusiveness of findings; remand; conclusiveness of new or modified findings.		(b) Criminal history information; disposition and arrest data; procedures for collection, storage, dissemination, and current status; security and privacy; availability for law enforcement, criminal justice, and other lawful purposes; automated systems: review, challenge, and correction of information.
	(c) Determination by court of appeals; Supreme Court review.		(c) Criminal intelligence systems and information; prohibition against violation of privacy and constitutional rights of individuals.
3786.	Delegation of functions.		(d) Violations; fine as additional penalty.
3787.	Subpoena power; employment of hearing officers; authority to hold hearings.	3789h.	Repealed.
3788.	Personnel and administrative authority.	3789i.	Administration of juvenile delinquency programs.
	(a) Officers and employees of certain Federal agencies; employment; compensation.	3789j.	Prohibition on land acquisition.
	(b) Use of available services; reimbursement.	3789k.	Prohibition on use of Central Intelligence Agency services.
	(c) Other Federal agency performance of functions under this chapter; reimbursement.	3789l.	Indian liability waiver.
	(d) Experts and consultants; compensation.	3789m.	District of Columbia matching fund source.
	(e) Advisory committees; compensation and travel expenses of committee members.	3789n.	Limitation on civil justice matters.
	(f) Payments; installments; advances or reimbursement; transportation and subsistence expenses for attendance at conferences or other assemblies.	3789o.	Repealed.
	(g) Voluntary services; status as Federal employees; exceptions.		SUBCHAPTER IX—DEFINITIONS
3789.	Title to personal property.	3791.	General provisions.
3789a to 3789c.	Repealed.		(a) Definitions.
3789d.	Prohibition of Federal control over State and local criminal justice agencies; prohibition of discrimination.		(b) Data basis for definitions; reflection of technical changes or modifications.
			(c) Designation of public agencies for undertaking a program or project.
			SUBCHAPTER X—FUNDING
3793.	Authorization of appropriations.	3793.	Authorization of appropriations.
3793a, 3793b.	Repealed.	3793a, 3793b.	Repealed.
			SUBCHAPTER XI—CRIMINAL PENALTIES
3795.	Misuse of Federal assistance.	3795.	Misuse of Federal assistance.

Sec.	Sec.
3795a.	Falsification or concealment of facts.
3795b.	Conspiracy to commit offense against United States.
	SUBCHAPTER XII—PUBLIC SAFETY OFFICERS’ DEATH BENEFITS
3796.	Payment of death benefits. <ul style="list-style-type: none"> (a) Amount; recipients. (b) Benefits for permanent and total disability. (c) Interim benefit payment. (d) Deduction of interim payment. (e) Repayment of interim payment; waiver. (f) Reductions from final benefit payment. (g) Execution or attachment prohibited. (h) Consumer Price Index adjustment. (i) Amount payable determined as of date of death. (j) Limitations on benefits.
3796a.	Limitations on benefits.
3796a-1.	National programs for families of public safety officers who have died in line of duty.
3796b.	Definitions.
3796c.	Administrative provisions; rules, regulations, and procedures; use of State and local administrative and investigative assistance.
	SUBCHAPTER XII-A—REGIONAL INFORMATION SHARING SYSTEMS
3796h.	Regional information sharing systems grants. <ul style="list-style-type: none"> (a) Authority of Director. (b) Purposes. (c) Rules and regulations.
	SUBCHAPTER XII-B—GRANTS FOR CLOSED-CIRCUIT TELEVISING OF TESTIMONY OF CHILDREN WHO ARE VICTIMS OF ABUSE
3796aa.	Function of Director.
3796aa-1.	Description of grant program.
3796aa-2.	Applications to receive grants.
3796aa-3.	Review of applications. <ul style="list-style-type: none"> (a) Eligibility for grants. (b) Applications deemed approved. (c) Reconsideration of applications.
3796aa-4.	Repealed.
3796aa-5.	Reports.
3796aa-6.	Expenditure of grants; records. <ul style="list-style-type: none"> (a) Identified uses. (b) Administration. (c) Records. (d) Utilization of private sector.
3796aa-7.	Repealed.
3796aa-8.	Definitions.
	SUBCHAPTER XII-C—RURAL DRUG ENFORCEMENT
3796bb.	Rural drug enforcement assistance.
3796bb-1.	Other requirements.
	SUBCHAPTER XII-D—CRIMINAL CHILD SUPPORT ENFORCEMENT
3796cc.	Grant authorization. <ul style="list-style-type: none"> (a) In general. (b) Uses of funds.
3796cc-1.	State applications. <ul style="list-style-type: none"> (a) In general. (b) State office.
3796cc-2.	Review of State applications. <ul style="list-style-type: none"> (a) In general.
	(b) Approval.
	(c) Disapproval notice and reconsideration.
	3796cc-3. Local applications. <ul style="list-style-type: none"> (a) In general. (b) Distribution to local entities.
	3796cc-4. Distribution of funds.
	3796cc-5. Evaluation. <ul style="list-style-type: none"> (a) In general. (b) Distribution. (c) Administrative costs.
	3796cc-6. “Local entity” defined.
	SUBCHAPTER XII-E—PUBLIC SAFETY AND COMMUNITY POLICING; “COPS ON THE BEAT”
	3796dd. Authority to make public safety and community policing grants. <ul style="list-style-type: none"> (a) Grant authorization. (b) Rehiring, hiring, and initial redeployment grant projects. (c) Troops-to-cops programs. (d) Additional grant projects. (e) Preferential consideration of applications for certain grants. (f) Technical assistance. (g) Utilization of components. (h) Minimum amount. (i) Matching funds. (j) Allocation of funds. (k) Termination of grants for hiring officers.
	3796dd-1. Applications. <ul style="list-style-type: none"> (a) In general. (b) Application. (c) Contents. (d) Special provisions.
	3796dd-2. Renewal of grants. <ul style="list-style-type: none"> (a) In general. (b) Grants for hiring. (c) Multiyear grants.
	3796dd-3. Limitation on use of funds. <ul style="list-style-type: none"> (a) Nonsupplanting requirement. (b) Non-Federal costs. (c) Hiring costs.
	3796dd-4. Performance evaluation. <ul style="list-style-type: none"> (a) Monitoring components. (b) Evaluation components. (c) Periodic review and reports.
	3796dd-5. Revocation or suspension of funding.
	3796dd-6. Access to documents. <ul style="list-style-type: none"> (a) By Attorney General. (b) By Comptroller General.
	3796dd-7. General regulatory authority.
	3796dd-8. Definitions.
	SUBCHAPTER XII-F—CERTAIN PUNISHMENT FOR YOUNG OFFENDERS
	3796ee. Grant authorization. <ul style="list-style-type: none"> (a) In general. (b) Alternative methods.
	3796ee-1. State applications. <ul style="list-style-type: none"> (a) In general. (b) State office.
	3796ee-2. Review of State applications. <ul style="list-style-type: none"> (a) In general. (b) Approval. (c) Restriction. (d) Disapproval notice and reconsideration.
	3796ee-3. Local applications. <ul style="list-style-type: none"> (a) In general. (b) Distribution to units of local government.

Sec. 3796ee-4.	Allocation and distribution of funds. (a) State distribution. (b) Local distribution. (c) General requirement. (d) Federal share. (e) Consideration. (f) "Juvenile" defined.	3796hh-2. 3796hh-3. 3796hh-4.	Reports. Regulations or guidelines. Definitions.
3796ee-5.	Evaluation. (a) In general. (b) Distribution. (c) Administrative costs.	3796ii. 3796ii-1. 3796ii-2. 3796ii-3.	SUBCHAPTER XII-J—DRUG COURTS Grant authority. Prohibition of participation by violent offenders. "Violent offender" defined. Administration. (a) Consultation. (b) Use of components. (c) Regulatory authority. (d) Applications.
3796ff.	SUBCHAPTER XII-G—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS Grant authorization. (a) In general. (b) Consultation.	3796ii-4. 3796ii-5. 3796ii-6. 3796ii-7. 3796ii-8.	Applications. Federal share. Geographic distribution. Report. Technical assistance, training, and evaluation. (a) Technical assistance and training. (b) Evaluations. (c) Administration.
3796ff-1.	State applications. (a) In general. (b) Substance abuse testing requirement. (c) Eligibility for preference with aftercare component. (d) Coordination of Federal assistance. (e) State office.	3796jj. 3796jj-1. 3796jj-2.	SUBCHAPTER XII-K—FAMILY SUPPORT Duties. General authorization. Uses of funds. (a) In general. (b) Required activities. (c) Optional activities.
3796ff-2.	Review of State applications. (a) In general. (b) Approval. (c) Restriction. (d) Disapproval notice and reconsideration.	3796jj-3. 3796jj-4.	Applications. Award of grants; limitation. (a) Grant distribution. (b) Duration. (c) Limitation.
3796ff-3.	Allocation and distribution of funds. (a) Allocation. (b) Federal share.	3796jj-5. 3796jj-6. 3796jj-7.	Discretionary research grants. Reports. Definitions.
3796ff-4.	Evaluation.		SUBCHAPTER XII-L—DNA IDENTIFICATION GRANTS
	SUBCHAPTER XII-H—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN		
3796gg.	Purpose of program and grants. (a) General program purpose. (b) Purposes for which grants may be used.	3796kk. 3796kk-1. 3796kk-2. 3796kk-3.	Grant authorization. Applications. Application requirements. Administrative provisions. (a) Regulation authority. (b) Award authority. (c) Technical assistance.
3796gg-1.	State grants. (a) General grants. (b) Amounts. (c) Qualification. (d) Application requirements. (e) Disbursement. (f) Federal share. (g) Indian tribes. (h) Grantee reporting.	3796kk-4.	Restrictions on use of funds. (a) Federal share. (b) Administrative costs.
3796gg-2.	Definitions.	3796kk-5.	Reports. (a) Reports to Attorney General. (b) Reports to Congress.
3796gg-3.	General terms and conditions. (a) Nonmonetary assistance. (b) Reporting. (c) Regulations or guidelines.	3796kk-6.	Expenditure records. (a) Records. (b) Access.
3796gg-4.	Rape exam payments. (a) Restriction of funds. (b) Medical costs.	3797.	SUBCHAPTER XIII—TRANSITION; EFFECTIVE DATE; REPEALER Continuation of rules, authorities, and proceedings. (a) Continuing status until otherwise affected. (b) Obligation by Director of National Institute of Justice of previously appropriated unused or reversionary funds for continuation of research and development projects or purposes of this chapter. (c) Obligation by Director of Bureau of Justice Statistics of pre-fiscal year 1980 appropriated funds for statistical projects or purposes of this chapter.
3796gg-5.	Filing costs for criminal charges. (a) In general. (b) Redistribution.		
	SUBCHAPTER XII-I—GRANTS TO ENCOURAGE ARREST POLICIES		
3796hh.	Grants. (a) Purpose. (b) Grant authority. (c) Eligibility.		
3796hh-1.	Applications. (a) Application. (b) Priority.		

Sec.

- (d) Obligation by Administrator of Law Enforcement Assistance Administration of previously appropriated unused or reversionary funds or presently appropriated funds for continuation of projects or purposes of this chapter.
- (e) Pending suits, actions, or other proceedings unaffected.
- (f) Appropriated funds available for audit matters and continuing programs and projects.
- (g) Transfer of personnel pursuant to performance-of-functions standard; determination of interim positions for Administrator and Deputy Administrators by Attorney General.
- (h) Unobligated funds of a State or unit of local government available for cost of any program or project.
- (i) State criminal justice council as the State planning agency for carrying out predecessor provisions.
- (j) Construction project funding for additional two years.

CODIFICATION

Title I of the Omnibus Crime Control and Safe Streets Act of 1968, comprising this chapter, was originally enacted by Pub. L. 90-351, June 19, 1968, 82 Stat. 197, and amended by Pub. L. 91-644, Jan. 2, 1971, 84 Stat. 1880; Pub. L. 93-83, Aug. 6, 1973, 87 Stat. 197; Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109; Pub. L. 94-237, Mar. 19, 1976, 90 Stat. 241; Pub. L. 94-273, Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-430, Sept. 29, 1976, 90 Stat. 1346; Pub. L. 94-503, Oct. 15, 1976, 90 Stat. 2407; Pub. L. 95-115, Oct. 3, 1977, 91 Stat. 1048. Such title is shown herein, however, as having been added by Pub. L. 96-157, Dec. 27, 1979, 93 Stat. 1167, without reference to such intervening amendments because of the extensive revision of the title's provisions by Pub. L. 96-157.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 5119b, 5751, 10501 of this title.

§ 3701. Repealed. Pub. L. 98-473, title II, § 602, Oct. 12, 1984, 98 Stat. 2077

Section, Pub. L. 90-351, title I, §100, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1169, set out the Congressional findings, declaration of policy, and statement of purpose for this chapter.

A prior section 3701, Pub. L. 90-351, title I, §100, June 19, 1968, 82 Stat. 197; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 197; Pub. L. 93-415, title V, §541, Sept. 7, 1974, 88 Stat. 1142; Pub. L. 94-503, title I, §101, Oct. 15, 1976, 90 Stat. 2407, set out the Congressional findings, declaration of policy, and statement of purpose in enacting this chapter, prior to the general amendment of this chapter by Pub. L. 96-157.

EFFECTIVE DATE OF REPEAL

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

SUBCHAPTER I—OFFICE OF JUSTICE PROGRAMS

§ 3711. Establishment of Office of Justice Programs

There is hereby established an Office of Justice Programs within the Department of Justice

under the general authority of the Attorney General. The Office of Justice Programs (hereinafter referred to in this chapter as the "Office") shall be headed by an Assistant Attorney General (hereinafter in this chapter referred to as the "Assistant Attorney General") appointed by the President, by and with the advice and consent of the Senate.

(Pub. L. 90-351, title I, §101, as added Pub. L. 98-473, title II, §603(a), Oct. 12, 1984, 98 Stat. 2077.)

REFERENCES IN TEXT

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

PRIOR PROVISIONS

A prior section 3711, Pub. L. 90-351, title I, §101, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1170, established Law Enforcement Assistance Administration, prior to the general amendment of this subchapter by Pub. L. 98-473.

Another prior section 3711, Pub. L. 90-351, title I, §101, June 19, 1968, 82 Stat. 198; Pub. L. 91-644, title I, §2, Jan. 2, 1971, 84 Stat. 1881; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 197; Pub. L. 94-503, title I, §§102, 103, Oct. 15, 1976, 90 Stat. 2407, established Law Enforcement Assistance Administration and Office of Community Anti-Crime Programs, prior to the general amendment of this chapter by Pub. L. 96-157.

EFFECTIVE DATE

Section 609AA of Pub. L. 98-473 provided that:

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

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

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

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-322, title I, §10001, Sept. 13, 1994, 108 Stat. 1807, provided that: "This title [enacting subchapter XII-E of this chapter, amending sections 3793 and 3797 of this title, and enacting provisions set out as a note under section 3796dd of this title] may be cited as the 'Public Safety Partnership and Community Policing Act of 1994'."

Pub. L. 103-322, title XXXII, §320701, Sept. 13, 1994, 108 Stat. 2121, provided that: "This subtitle [subtitle G (§§320701, 320702) of title XXXII of Pub. L. 103-322, amending section 3760 of this title and enacting provisions set out as a note under section 3760 of this title] may be cited as the 'Safer Streets and Neighborhoods Act of 1994'."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-570, title I, §1551, Oct. 27, 1986, 100 Stat. 3207-41, provided that: "This subtitle [subtitle K (§§1551, 1552) of title I of Pub. L. 99-570, enacting subchapter XII-A of this chapter and amending sections 3741, 3782, 3783, 3789, 3793, and 3797 of this title] may be cited as the 'State and Local Law Enforcement Assistance Act of 1986'."

SHORT TITLE OF 1984 AMENDMENT

Section 601 of Pub. L. 98-473 provided that: "This division [division I (§§ 601-609AA) of chapter VI of title II of Pub. L. 98-473, enacting chapter 111, this section, and sections 3712, 3741 to 3748, 3769 to 3769d, 3771, 3786 to 3789 of this title, amending sections 3721, 3722, 3731, 3732, 3761 to 3766, 3782 to 3785, 3789d to 3789g, 3789i, 3789l, 3791, 3793, 3795, 379b, 3796 to 3796c, and 3797 of this title, sections 5314 and 5315 of Title 5, Government Organization and Employees, and section 1761 of Title 18, Crimes and Criminal Procedure, omitting sections 3713 and 3772 to 3775 of this title, repealing sections 3701, 3724, 3734, 3751 to 3755, 3781, 3786 to 3789c, 3789h, 3789o, 3793b, and 3796 to 3796b of this title, enacting provisions set out as notes under this section and section 1028 of Title 18, and amending provisions set out as a note under section 1761 of Title 18] may be cited as the 'Justice Assistance Act of 1984'."

SHORT TITLE OF 1979 AMENDMENT

Section 1 of Pub. L. 96-157 provided: "That this Act [enacting this chapter, amending sections 5314 and 5315 of Title 5, Government Organization and Employees, section 1761 of Title 18, Crimes and Criminal Procedure, and section 35 of Title 41, Public Contracts, and enacting provisions set out as a note under section 1761 of Title 18] may be cited as the 'Justice System Improvement Act of 1979'."

SHORT TITLE OF 1976 AMENDMENTS

Pub. L. 94-503, §1, Oct. 15, 1976, 90 Stat. 2407, provided: "That this Act [enacting sections 3726 and 3739 of this title, amending this section, sections 3701, 3721, 3723, 3724, 3725, 3731, 3732, 3733, 3734, 3736, 3737, 3738, 3742, 3750b, 3750d, 3751, 3755, 3757, 3763, 3766, 3767, 3768, 3769, 3781, 5633, 5635, and 5671 of this title, and sections 5108, 5315, and 5316 of Title 5, Government Organization and Employees, repealing section 3760 of this title, and enacting provisions set out as notes under sections 501, 509, and 532 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Crime Control Act of 1976'."

Pub. L. 94-430, §1, Sept. 29, 1976, 90 Stat. 1346, provided: "That this Act [enacting sections 3796 to 3796c of this title, amending section 3768 of this title, and enacting provisions set out as notes under section 3796 of this title] may be cited as the 'Public Safety Officers' Benefits Act of 1976'."

SHORT TITLE OF 1973 AMENDMENT

Pub. L. 93-83, §1, Aug. 6, 1973, 87 Stat. 197, provided: "That this Act [enacting sections 3738, 3770, and 3771 of this title, reenacting sections 3334(a), 3734, 3735, 3745, 3750, 3750a, 3751 to 3755, 3757 to 3759, 3761 to 3765, and 3792 of this title and section 5314(55) of Title 5, Government Organization and Employees, renumbering former section 3748 as 3747 and repealing former section 3747 of this title, and amending this section, sections 3701, 3721 to 3725, 3731 to 3733, 3736, 3737, 3741 to 3744, 3746, 3750b to 3750d, 3756, 3760, 3766 to 3769, 3781, 3791, 3793, and 3795 of this title, sections 5108(c)(10), 5315(90), and 5316(133) of Title 5, and section 484(n) of Title 40, Public Buildings, Property, and Works] may be cited as the 'Crime Control Act of 1973'."

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-644, §1, Jan. 2, 1971, 84 Stat. 1880, provided: "That this Act [enacting sections 3747, 3748, 3750 to 3750d, 3791 to 3793, and 3795 of this title and sections 351 and 1752 of Title 18, Crimes and Criminal Procedure, amending this section, sections 3723, 3724, 3731, 3733, 3735, 3736, 3746, 3756, 3763 to 3765, 3767 to 3769, and 3781 of this title, sections 5108 and 5313 to 5316 of Title 5, Government Organization and Employees, and sections 924, 3056, and 3731 of Title 18, enacting provisions set out as notes under section 3731 of Title 18, amending provisions set out as notes under section 2510 of Title 18, and repealing provisions set out as notes under section 2510 of Title 18] may be cited as the 'Omnibus Crime Control Act of 1970'."

SHORT TITLE

Section 1 of Pub. L. 90-351, June 19, 1968, 82 Stat. 197, provided: "That this Act [enacting this chapter, sections 5315(90), 5316(126), and 7313 of Title 5, Government Organization and Employees, sections 921 to 928 (chapter 44), 2510 to 2520 (chapter 119), 3103a, 3501, and 3502 of Title 18, Crimes and Criminal Procedure, and Appendix to Title 18, amending section 3334(a) of this title, section 3731 of Title 18, and section 605 of Title 47, Telegraphs, Telephones, and Radiotelegraphs, repealing sections 901 to 910 of Title 15, Commerce and Trade, enacting provisions set out as notes under sections 7313 of Title 5, sections 921 and 2510 of Title 18, and section 532 of Title 28, Judiciary and Judicial Procedure, and repealing provisions set out as a note preceding section 3001 of Title 18] may be cited as the 'Omnibus Crime Control and Safe Streets Act of 1968'."

SEPARABILITY

Section 1601 of Pub. L. 90-351, title XI, June 19, 1968, 82 Stat. 239, provided that: "If the provisions of any part of this Act [see Short Title note above] or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby." [Another section 1601 of Pub. L. 90-351 is classified to section 3796cc of this title.]

REFERENCES IN OTHER LAWS

Section 609I of Pub. L. 98-473 provided that:

"(a) Any reference to the Law Enforcement Assistance Administration, or to the Administrator of the Law Enforcement Assistance Administration, in any law other than this Act [see Short Title of 1984 Amendment note set out above] and the Omnibus Crime Control and Safe Streets Act of 1968 [see Short Title note set out above], applicable to activities, functions, powers, and duties that after the date of the enactment of this Act [Oct. 12, 1984] are carried out by the Bureau of Justice Assistance shall be deemed to be a reference to the Bureau of Justice Assistance, or to the Director of the Bureau of Justice Assistance, as the case may be.

"(b) Any reference to the Office of Justice Assistance, Research, and Statistics, or to the Director of the Office of Justice Assistance, Research, and Statistics, in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Office of Justice Programs, the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, or the Office of Juvenile Justice Delinquency Prevention shall be deemed to be a reference to the Office of Justice Programs, the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, or Office of Juvenile Justice Delinquency Prevention, or to the Director of the Office of Justice Programs, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, or the Administrator of the Office of Juvenile Justice and Delinquency Prevention, as the case may be."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5603 of this title.

§ 3712. Duties and functions of Assistant Attorney General

(a) Specific, general and delegated powers

The Assistant Attorney General shall—

(1) publish and disseminate information on the conditions and progress of the criminal justice systems;

(2) maintain liaison with the executive and judicial branches of the Federal and State gov-

ernments in matters relating to criminal justice;

(3) provide information to the President, the Congress, the judiciary, State and local governments, and the general public relating to criminal justice;

(4) maintain liaison with public and private educational and research institutions, State and local governments, and governments of other nations relating to criminal justice;

(5) provide staff support to coordinate the activities of the Office and the Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention; and

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

(b) Annual report to President and Congress

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

(Pub. L. 90-351, title I, §102, as added Pub. L. 98-473, title II, §603(a), Oct. 12, 1984, 98 Stat. 2078.)

PRIOR PROVISIONS

A prior section 3712, Pub. L. 90-351, title I, §102, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1170, described duties and functions of Administrator of Law Enforcement Assistance Administration, prior to the general amendment of this subchapter by Pub. L. 98-473.

A prior section 3713, Pub. L. 90-351, title I, §103, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1170, provided for an Office of Community Anti-Crime Programs, prior to the general amendment of this subchapter by Pub. L. 98-473.

EFFECTIVE DATE

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

SUBCHAPTER II—NATIONAL INSTITUTE OF JUSTICE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3797 of this title.

§ 3721. Statement of purpose

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

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

(2) preventing and reducing crimes;

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

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

The Institute shall have authority to engage in and encourage research and development to im-

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

(Pub. L. 90-351, title I, §201, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1172; amended Pub. L. 98-473, title II, §604(a), Oct. 12, 1984, 98 Stat. 2078.)

PRIOR PROVISIONS

A prior section 3721, Pub. L. 90-351, title I, §201, June 19, 1968, 82 Stat. 198; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 197; Pub. L. 94-503, title I, §104, Oct. 15, 1976, 90 Stat. 2408, set out a Congressional statement of purpose in providing for a program of planning grants, prior to the general amendment of this chapter by Pub. L. 96-157.

AMENDMENTS

1984—Pub. L. 98-473 redesignated par. (5) as (4), struck out former par. (4) relating to improvement of efforts to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, and in closing provisions struck out “to develop alternatives to judicial resolution of disputes,” after “local governments,”, and inserted “and demonstrate” after “to develop”.

EFFECTIVE DATE OF 1984 AMENDMENT

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

NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT

Pub. L. 101-647, title XXXIV, Nov. 29, 1990, 104 Stat. 4918, as amended by Pub. L. 103-322, title XXVI, §260002, Sept. 13, 1994, 108 Stat. 2089, provided that:

“SEC. 3401. CONGRESSIONAL FINDINGS.

“The Congress finds that—

“(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

“(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

“(3) law enforcement officers are on the front line in the war against drugs and crime;

“(4) the rate of violent crime continues to increase along with the increase in drug use;

“(5) a large percentage of individuals arrested test positive for drug usage;

“(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review 25 years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

“(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working condi-

tions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

“SEC. 3402. ESTABLISHMENT.

“There is hereby established the National Commission to Support Law Enforcement (hereafter in this title referred to as the ‘Commission’).

“SEC. 3403. DUTIES.

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

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

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

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

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

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

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

“(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

“(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

“(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

“SEC. 3404. MEMBERSHIP.

“(a) [Repealed. Pub. L. 103-322, title XXVI, § 260002, Sept. 13, 1994, 108 Stat. 2089.]

“(b) COMPENSATION.—

“(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of service on the Commission.

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

“SEC. 3405. EXPERTS AND CONSULTANTS.

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

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

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

“SEC. 3406. POWERS OF COMMISSION.

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

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

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

shall furnish the information to the Commission to the extent permitted by law.

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

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

“SEC. 3407. REPORT.

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

“SEC. 3408. TERMINATION.

“The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 3407.”

Pub. L. 101-515, title II, § 211(B), Nov. 5, 1990, 104 Stat. 2122, as amended by Pub. L. 103-322, title XXVI, § 260001, Sept. 13, 1994, 108 Stat. 2088, provided that:

“(B)(a) This subsection may be cited as the ‘National Commission to Support Law Enforcement Act’.

“(b) The Congress finds that—

“(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

“(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

“(3) law enforcement officers are on the front line in the war against drugs and crime;

“(4) the rate of violent crime continues to increase along with the increase in drug use;

“(5) a large percentage of individuals arrested test positive for drug usage;

“(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review twenty-five years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decrease[d] funding; and

“(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officers.

“(c) There is established a national commission to be known as the ‘National Commission to Support Law Enforcement’ (referred to in this section as the ‘Commission’).

“(d) The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

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

“(2) The conditions of law enforcement employment.

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

“(4) The status of law enforcement research and education and training.

“(5) The adequacy of equipment, physical resources, and human resources.

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

“(7) The responsibility of governments and law enforcement agencies in solving the crime problem.

“(8) The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

“(e) The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

“(f) **NUMBER AND APPOINTMENT.**—

“(1) **IN GENERAL.**—The Commission shall be composed of 29 members as follows:

“(A) Nine individuals appointed from national law enforcement organizations representing law enforcement officers, of whom—

“(i) two shall be appointed by the Speaker of the House of Representatives;

“(ii) two shall be appointed by the majority leader of the Senate;

“(iii) two shall be appointed by the minority leader of the House of Representatives;

“(iv) two shall be appointed by the minority leader of the Senate; and

“(v) one shall be appointed by the President.

“(B) Nine individuals appointed from national law enforcement organizations representing law enforcement management, of whom—

“(i) two shall be appointed by the Speaker of the House of Representatives;

“(ii) two shall be appointed by the majority leader of the Senate;

“(iii) two shall be appointed by the minority leader of the House of Representatives;

“(iv) two shall be appointed by the minority leader of the Senate; and

“(v) one shall be appointed by the President.

“(C) Two individuals appointed with academic expertise regarding law enforcement issues, of whom—

“(i) one shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate; and

“(ii) one shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

“(D) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

“(E) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

“(F) One individual from the Department of Justice, appointed by the President.

“(G) Two individuals representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed jointly by the majority leader and the minority leader of the Senate.

“(H) Two individuals representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed jointly by the Speaker and the minority leader of the House of Representatives.

“(2) **COMPTROLLER GENERAL.**—The Comptroller General shall serve in an advisory capacity and shall oversee the methodology and approve of the Commission study.

“(3) **CHAIRPERSON.**—Upon their appointment the members of the Commission shall select one of their number to act as chairperson.

“(4) **APPOINTMENT DATE.**—Members of the Commission shall be appointed no later than 90 days after the enactment of this Act [probably means enactment of Pub. L. 103-322, which was approved Sept. 13, 1994].

“(g)(1) Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

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

“(h) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(i) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this section.

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

“(k) The Commission may, for purposes of this section, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

“(l) Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

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

“(n) The Commission may accept, use, and dispose of gifts or donations of services or property.

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

“(p) Not later than March 31, 1996, the Commission shall submit to the Congress a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate.

“(q) The Commission shall cease to exist upon the expiration of the sixty-day period beginning on the date on which the Commission submits its report under subsection (p).”

§ 3722. National Institute of Justice

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

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

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

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

(c) Duties and functions

The Institute is authorized to—

(1) make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstrations, or special projects pertaining to the purposes described in this subchapter, and provide technical assistance and training in support of tests, demonstrations, and special projects;

(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—

(A) to identify alternative programs for achieving system goals;

(B) to provide more accurate information on the causes and correlates of crime;

(C) to analyze the correlates of crime and juvenile delinquency and provide more accurate information on the causes and correlates of crime and juvenile delinquency;

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

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

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

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

(3) evaluate the effectiveness of projects or programs carried out under this chapter;

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

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

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

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

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

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

(d) Criminal and civil justice research

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

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

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

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

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

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

(Pub. L. 90-351, title I, §202, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1172; amended Pub. L. 98-473, title II, §604(b), Oct. 12, 1984, 98 Stat. 2078; Pub. L. 103-322, title XXXIII, §33001(h)(1), Sept. 13, 1994, 108 Stat. 2139.)

PRIOR PROVISIONS

A prior section 3722, Pub. L. 90-351, title I, §202, June 19, 1968, 82 Stat. 198; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 198, provided for making of grants to State planning agencies, prior to the general amendment of this chapter by Pub. L. 96-157.

AMENDMENTS

1994—Subsec. (c)(2)(E). Pub. L. 103-322 substituted “crime,” for “crime.”.

1984—Subsec. (b). Pub. L. 98-473, §604(b)(1), required Director to report to Attorney General through Assistant Attorney General.

Subsec. (c)(2)(A). Pub. L. 98-473, §604(b)(2)(A)(i), struck out “, including programs authorized by section 3713 of this title” after “system goals”.

Subsec. (c)(2)(E). Pub. L. 98-473, §604(b)(2)(A)(ii), struck out “the prevention and reduction of parental kidnaping” after “reduction of crime.”.

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

Subsec. (c)(4) to (7). Pub. L. 98-473, §604(b)(2)(C), (F), redesignated pars. (5) to (8) as (4) to (7), respectively, and struck out former par. (4) relating to evaluation of programs and projects under other subchapters of this

chapter to determine their impact upon criminal and civil justice systems and achievement of purposes and policies of this chapter and for dissemination of information.

Subsec. (c)(8). Pub. L. 98-473, § 604(b)(2)(D)(i), (ii), (F), redesignated par. (10) as (8) and, in par. (8) as so designated, struck out “nationality priority grants under subchapter V of this chapter and” after “for funding as” and substituted “subchapter V of this chapter” for “subchapter VI of this chapter”. Former par. (8) redesignated (7).

Subsec. (c)(9). Pub. L. 98-473, § 604(b)(2)(E), (F), redesignated par. (11) as (9), and struck out former par. (9) relating to a biennial report to President and Congress on state of justice research.

Subsec. (c)(10), (11). Pub. L. 98-473, § 604(b)(2)(F), redesignated pars. (10) and (11) as (8) and (9), respectively.

EFFECTIVE DATE OF 1984 AMENDMENT

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

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

Pub. L. 102-395, title I, § 109(b), Oct. 6, 1992, 106 Stat. 1842, directed Attorney General, acting through Director of National Institute of Justice, to evaluate existing and proposed anti-stalking legislation in the States, develop model anti-stalking legislation that is constitutional and enforceable, prepare and disseminate to State authorities the findings made as a result of such evaluation, and report to Congress the findings and the need or appropriateness of further action by the Federal Government by Sept. 30, 1993.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5603 of this title.

§ 3723. Authority for 100 per centum grants

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

(Pub. L. 90-351, title I, § 203, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1174.)

PRIOR PROVISIONS

A prior section 3723, Pub. L. 90-351, title I, § 203, June 19, 1968, 82 Stat. 199; Pub. L. 91-644, title I, § 3(a)-(c), Jan. 2, 1971, 84 Stat. 1881; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 198; Pub. L. 93-415, title V, § 542, Sept. 7, 1974, 88 Stat. 1142; Pub. L. 94-503, title I, § 105, Oct. 15, 1976, 90 Stat. 2408; Pub. L. 95-115, § 9(b), Oct. 3, 1977, 91 Stat. 1061, provided for establishment of State planning agencies, prior to the general amendment of this chapter by Pub. L. 96-157.

§ 3724. Repealed. Pub. L. 98-473, title II, § 604(c), Oct. 12, 1984, 98 Stat. 2079

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

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

Section 3724, Pub. L. 90-351, title I, § 204, June 19, 1968, 82 Stat. 199; Pub. L. 91-644, title I, § 3(d), Jan. 2, 1971, 84 Stat. 1881; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 199;

Pub. L. 94-503, title I, § 106, Oct. 15, 1976, 90 Stat. 2410, related to maximum percentage of Federal grant funds in expenses incurred by States.

Section 3725, Pub. L. 90-351, title I, § 205, June 19, 1968, 82 Stat. 199; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 199; Pub. L. 94-503, title I, § 107, Oct. 15, 1976, 90 Stat. 2410, related to allocation of funds and reallocation of unused funds.

Section 3726, Pub. L. 90-351, title I, § 206, as added Pub. L. 94-503, title I, § 108, Oct. 15, 1976, 90 Stat. 2411, related to advisory review of comprehensive statewide plans by States.

EFFECTIVE DATE OF REPEAL

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

SUBCHAPTER III—BUREAU OF JUSTICE STATISTICS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3797 of this title.

§ 3731. Statement of purpose

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

(Pub. L. 90-351, title I, § 301, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1176; amended Pub. L. 98-473, title II, § 605(a), Oct. 12, 1984, 98 Stat. 2079.)

PRIOR PROVISIONS

A prior section 3731, Pub. L. 90-351, title I, § 301, June 19, 1968, 82 Stat. 199; Pub. L. 91-644, title I, § 4(1)-(4), Jan. 2, 1971, 84 Stat. 1882; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 199; Pub. L. 94-503, title I, §§ 109, 128(b), Oct. 15, 1976, 90 Stat. 2411, 2424, related to purposes and categories of grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96-157.

AMENDMENTS

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

EFFECTIVE DATE OF 1984 AMENDMENT

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

§ 3732. Bureau of Justice Statistics**(a) Establishment**

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

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

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

(c) Duties and functions of Bureau

The Bureau is authorized to—

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

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

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

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

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

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

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delin-

quency, criminal offenders, juvenile delinquents, and civil disputes in the various States;

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

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

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

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

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

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

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

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

(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

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

(18) provide for the development and enhancement of State and local criminal justice information systems, and the standardization

of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

(19) provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;

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

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

(22) ensure conformance with security and privacy requirement of section 3789g of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal and State criminal justice operations and related statistical activities; and

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

(d) Justice statistical collection, analysis, and dissemination

To insure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(1) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(2) confer and cooperate with State, municipal, and other local agencies;

(3) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter;

(4) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records; and

(5) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data.

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

Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(3) of this section shall provide such information to the Bureau as is required to carry out the purposes of this section.

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

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

(Pub. L. 90-351, title I, § 302, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1176; amended Pub. L. 98-473, title II, § 605(b), Oct. 12, 1984, 98 Stat. 2079; Pub. L. 100-690, title VI, § 6092(a), Nov. 18, 1988, 102 Stat. 4339; Pub. L. 103-322, title XXXIII, § 330001(h)(2), Sept. 13, 1994, 108 Stat. 2139.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (c)(11), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

PRIOR PROVISIONS

A prior section 3732, Pub. L. 90-351, title I, § 302, June 19, 1968, 82 Stat. 200; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 201; Pub. L. 94-503, title I, § 110, Oct. 15, 1976, 90 Stat. 2412, related to establishment of State planning agencies to develop comprehensive State plans for grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96-157.

AMENDMENTS

1994—Subsec. (c)(19). Pub. L. 103-322 substituted a semicolon for period at end.

1988—Subsec. (c)(16) to (23). Pub. L. 100-690 added pars. (16) to (19) and redesignated former pars. (16) to (19) as (20) to (23), respectively.

1984—Subsec. (b). Pub. L. 98-473, § 605(b)(1), inserted provision requiring Director to report to Attorney General through Assistant Attorney General.

Subsec. (c)(13). Pub. L. 98-473, § 605(b)(2)(A), (C), added par. (13) and struck out former par. (13) relating to provision of financial and technical assistance to States and units of local government relating to collection, analysis, or dissemination of justice statistics.

Subsec. (c)(14), (15). Pub. L. 98-473, § 605(b)(2)(C), added pars. (14) and (15). Former pars. (14) and (15) redesignated (16) and (17), respectively.

Subsec. (c)(16). Pub. L. 98-473, § 605(b)(2)(A), (B), redesignated par. (14) as (16) and struck out former par. (16) relating to insuring conformance with security and privacy regulations issued under section 3789g of this title.

Subsec. (c)(17). Pub. L. 98-473, § 605(b)(2)(B), redesignated par. (15) as (17). Former par. (17) redesignated (19).

Subsec. (c)(18). Pub. L. 98-473, § 605(b)(2)(D), added par. (18).

Subsec. (c)(19). Pub. L. 98-473, § 605(b)(2)(B), redesignated former par. (17) as (19).

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

Subsec. (d)(5). Pub. L. 98-473, § 605(b)(3)(B)-(D), added par. (5).

EFFECTIVE DATE OF 1984 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5603 of this title.

§ 3733. Authority for 100 per centum grants

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

facilities, or services to carry out the purposes for which the grant is sought.

(Pub. L. 90-351, title I, §303, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1178.)

PRIOR PROVISIONS

A prior section 3733, Pub. L. 90-351, title I, §303, June 19, 1968, 82 Stat. 201; Pub. L. 91-644, title I, §4(5), (6), Jan. 2, 1971, 84 Stat. 1883; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 201; Pub. L. 93-415, title V, §543, Sept. 7, 1974, 88 Stat. 1142; Pub. L. 94-503, title I, §111, Oct. 15, 1976, 90 Stat. 2413; Pub. L. 96-181, §15(b), Jan. 2, 1980, 93 Stat. 1316, set out requirements of State plans in order to qualify for grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96-157.

§ 3734. Repealed. Pub. L. 98-473, title II, § 605(c), Oct. 12, 1984, 98 Stat. 2080

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

A prior section 3734, Pub. L. 90-351, title I, §304, June 19, 1968, 82 Stat. 202; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 203; Pub. L. 94-503, title I, §112, Oct. 15, 1976, 90 Stat. 2414, related to plans or applications for financial assistance from local government units, prior to the general revision of this chapter by Pub. L. 96-157.

EFFECTIVE DATE OF REPEAL

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

§ 3735. Use of data

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

(Pub. L. 90-351, title I, §304, formerly §305, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1179; renumbered §304, Pub. L. 98-473, title II, §605(d), Oct. 12, 1984, 98 Stat. 2080.)

PRIOR PROVISIONS

A prior section 304 of Pub. L. 90-351, as added by Pub. L. 96-157, was classified to section 3734 of this title prior to repeal by Pub. L. 98-473, title II, §605(c), Oct. 12, 1984, 98 Stat. 2080.

Prior sections 3735 to 3739 were omitted in the general amendment of this chapter by Pub. L. 96-157.

Section 3735, Pub. L. 90-351, title I, §305, June 19, 1968, 82 Stat. 202; Pub. L. 91-644, title I, §4(7), Jan. 2, 1971, 84 Stat. 1883; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 203, related to reallocation of funds.

Section 3736, Pub. L. 90-351, title I, §306, June 19, 1968, 82 Stat. 202; Pub. L. 91-644, title I, §4(8), Jan. 2, 1971, 84 Stat. 1883; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 203; Pub. L. 94-503, title I, §113, Oct. 15, 1976, 90 Stat. 2415, related to allocation of funds.

Section 3737, Pub. L. 90-351, title I, §307, June 19, 1968, 82 Stat. 202; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 204; Pub. L. 94-503, title I, §114, Oct. 15, 1976, 90 Stat. 2415, related to priority programs and projects.

Section 3738, Pub. L. 90-351, title I, §308, as added Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 204; amended Pub. L. 94-503, title I, §115, Oct. 15, 1976, 90 Stat. 2415, related to Administration action upon State plans within prescribed time after date of submission.

Section 3739, Pub. L. 90-351, title I, §309, as added Pub. L. 94-503, title I, §116, Oct. 15, 1976, 90 Stat. 2415, related to assistance and grants to aid State antitrust enforcement.

SUBCHAPTER IV—ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE

PRIOR PROVISIONS

A prior subchapter IV, consisting of sections 3741 to 3748, related to block grants by Bureau of Justice Assistance, prior to repeal by Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4328. For similar provisions, see part A (§3751 et seq.) of subchapter V of this chapter.

Section 3741, Pub. L. 90-351, title I, §401, as added Pub. L. 98-473, title II, §606, Oct. 12, 1984, 98 Stat. 2080; amended Pub. L. 99-570, title I, §1552(b)(1), Oct. 27, 1986, 100 Stat. 3207-46, related to establishment of Bureau of Justice Assistance, appointment of Director, and authority and restrictions with regard to Director.

Section 3742, Pub. L. 90-351, title I, §402, as added Pub. L. 98-473, title II, §606, Oct. 12, 1984, 98 Stat. 2080, related to duties and functions of Director.

Section 3743, Pub. L. 90-351, title I, §403, as added Pub. L. 98-473, title II, §606, Oct. 12, 1984, 98 Stat. 2081, described grant program.

Section 3744, Pub. L. 90-351, title I, §404, as added Pub. L. 98-473, title II, §606, Oct. 12, 1984, 98 Stat. 2082, authorized Bureau to make financial assistance under this subchapter available to States.

Section 3745, Pub. L. 90-351, title I, §405, as added Pub. L. 98-473, title II, §606, Oct. 12, 1984, 98 Stat. 2082, related to applications for assistance and contents of applications.

Section 3746, Pub. L. 90-351, title I, §406, as added Pub. L. 98-473, title II, §606, Oct. 12, 1984, 98 Stat. 2084, related to review of applications.

Section 3747, Pub. L. 90-351, title I, §407, as added Pub. L. 98-473, title II, §606, Oct. 12, 1984, 98 Stat. 2084, related to allocation and distribution of funds.

Section 3748, Pub. L. 90-351, title I, §408, as added Pub. L. 98-473, title II, §606, Oct. 12, 1984, 98 Stat. 2085, related to designation of a State office to prepare applications and administer funds.

Another prior subchapter IV, consisting of sections 3741 to 3745, related to formula grant program, prior to the general amendment of this subchapter by Pub. L. 98-473.

Section 3741, Pub. L. 90-351, title I, §401, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1179, described formula grant program.

Section 3742, Pub. L. 90-351, title I, §402, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1181, related to eligibility provisions for formula grants.

Section 3743, Pub. L. 90-351, title I, §403, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1187, concerned application requirements for formula grants.

Section 3744, Pub. L. 90-351, title I, §404, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1188, provided for review of applications for formula grants.

Section 3745, Pub. L. 90-351, title I, §405, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1189, provided for allocation and distribution of funds for formula grants.

Another prior subchapter IV, consisting of sections 3741 to 3748 and 3750 to 3750d, related to training, education, research, demonstration, and special grants prior to the general amendment of this chapter by Pub. L. 96-157.

Section 3741, Pub. L. 90-351, title I, §401, June 19, 1968, 82 Stat. 203; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 205, set out the Congressional statement of purposes in making provision for training, education, research, demonstration, and special grants.

Section 3742, Pub. L. 90-351, title I, §402, June 19, 1968, 82 Stat. 203; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 205; Pub. L. 94-503, title I, §117, Oct. 15, 1976, 90 Stat. 2416, provided for creation of a National Institute of Law Enforcement and Criminal Justice.

Section 3743, Pub. L. 90-351, title I, § 403, June 19, 1968, 82 Stat. 203; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 206, related to limitations on size of grants and contributions requirements for grants.

Section 3744, Pub. L. 90-351, title I, § 404, June 19, 1968, 82 Stat. 204; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 207, provided for Federal Bureau of Investigation law enforcement training programs.

Section 3745, Pub. L. 90-351, title I, § 405, June 19, 1968, 82 Stat. 204; Pub. L. 91-644, title I, § 5(1), Jan. 2, 1971, 84 Stat. 1884; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 207, provided for funds to continue projects started thereunder.

Section 3746, Pub. L. 90-351, title I, § 406, June 19, 1968, 82 Stat. 204; Pub. L. 91-644, title I, § 5(1), Jan. 2, 1971, 84 Stat. 1884; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 207, provided for academic educational assistance.

Section 3747, Pub. L. 90-351, title I, § 407, formerly § 408, as added Pub. L. 91-644, title I, § 5(2), Jan. 2, 1971, 84 Stat. 1885; renumbered § 407, Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 209, related to administration of training programs for prosecuting attorneys.

Another prior section 3747, Pub. L. 90-351, title I, § 407, as added Pub. L. 91-644, title I, § 5(2), Jan. 2, 1971, 84 Stat. 1885, related to Administration law enforcement training program for enforcement personnel, prior to the general amendment of this chapter by section 2 of Pub. L. 93-83.

Section 3748, Pub. L. 90-351, title I, § 408, as added Pub. L. 91-644, title I, § 5(2), Jan. 2, 1971, 84 Stat. 1885, was renumbered section 407 of Pub. L. 90-351 by Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 209, and was classified to prior section 3747 of this title.

Section 3750, Pub. L. 90-351, title I, § 451, as added Pub. L. 91-644, title I, § 6(a), Jan. 2, 1971, 84 Stat. 1885; amended Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 209, set out Congressional statement of purpose in providing a system of grants for correctional institutions and facilities.

Section 3750a, Pub. L. 90-351, title I, § 452, as added Pub. L. 91-644, title I, § 6(a), Jan. 2, 1971, 84 Stat. 1885; amended Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 209, related to applications for grants and their incorporation into comprehensive State plans.

Section 3750b, Pub. L. 90-351, title I, § 453, as added Pub. L. 91-644, title I, § 6(a), Jan. 2, 1971, 84 Stat. 1886; amended Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 209; Pub. L. 94-503, title I, § 118, Oct. 15, 1976, 90 Stat. 2417, set out required contents of an application for a grant for correctional institutions and facilities.

Section 3750c, Pub. L. 90-351, title I, § 454, as added Pub. L. 91-644, title I, § 6(a), Jan. 2, 1971, 84 Stat. 1886; amended Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 210; Pub. L. 94-237, § 4(c)(5)(C), Mar. 19, 1976, 90 Stat. 244, set out guidelines and basic criteria for applicants and grantees.

Section 3750d, Pub. L. 90-351, title I, § 455, as added Pub. L. 91-644, title I, § 6(a), Jan. 2, 1971, 84 Stat. 1886; amended Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 210; Pub. L. 94-503, title I, § 119(a), Oct. 15, 1976, 90 Stat. 2417, related to allocation and reallocation of funds.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3793 of this title.

§ 3741. Establishment of Bureau of Justice Assistance

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

(b) The Bureau shall be headed by a Director (hereafter in this subchapter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Attorney

General through the Assistant Attorney General. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this chapter.

(Pub. L. 90-351, title I, § 401, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4328.)

PRIOR PROVISIONS

For prior sections 401 of Pub. L. 90-351 and prior sections 3741 of this title, see note set out preceding this section.

§ 3742. Duties and functions of Director

The Director shall have the following duties:

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

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

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

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

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

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

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

(8) Exercising such other powers and functions as may be vested in the Director pursuant

ant to this chapter or by delegation of the Attorney General or Assistant Attorney General.

(Pub. L. 90-351, title I, § 402, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4328; amended Pub. L. 101-647, title II, § 241(b)(1), Nov. 29, 1990, 104 Stat. 4813.)

PRIOR PROVISIONS

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

AMENDMENTS

1990—Par. (1). Pub. L. 101-647 substituted “subchapters V and XII-B” for “subchapter V”.

SUBCHAPTER V—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

PRIOR PROVISIONS

A prior subchapter V, consisting of sections 3761 to 3766, related to discretionary grants, prior to repeal by Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4328. For similar provisions, see part B (§ 3760 et seq.) of this subchapter.

Section 3761, Pub. L. 90-351, title I, § 501, formerly § 601, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1195; renumbered § 501 and amended Pub. L. 98-473, title II, § 608(a), Oct. 12, 1984, 98 Stat. 2086, related to Congressional statement of purpose regarding discretionary grants.

Section 3762, Pub. L. 90-351, title I, § 502, formerly § 602, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1195; renumbered § 502 and amended Pub. L. 98-473, title II, § 608(a), Oct. 12, 1984, 98 Stat. 2086, related to percentage of appropriation for discretionary grant program.

Section 3763, Pub. L. 90-351, title I, § 503, formerly § 603, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1196; renumbered § 503 and amended Pub. L. 98-473, title II, § 608(a), Oct. 12, 1984, 98 Stat. 2086, related to procedure for establishing discretionary programs.

Section 3764, Pub. L. 90-351, title I, § 504, formerly § 604, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1197; renumbered § 504 and amended Pub. L. 98-473, title II, § 608(b), (f), Oct. 12, 1984, 98 Stat. 2087, related to application requirements for discretionary grants.

Section 3765, Pub. L. 90-351, title I, § 505, formerly § 605, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1197; renumbered § 505 and amended Pub. L. 98-473, title II, § 608(c), Oct. 12, 1984, 98 Stat. 2087, related to criteria for award.

Section 3766, Pub. L. 90-351, title I, § 506, formerly § 606, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1197; renumbered § 506 and amended Pub. L. 98-473, title II, § 608(d), Oct. 12, 1984, 98 Stat. 2087, related to period for award of discretionary grants.

Another prior subchapter V, consisting of sections 3751 to 3755, related to national priority grants, prior to repeal by Pub. L. 98-473, title II, § 607, Oct. 12, 1984, 98 Stat. 2086.

Section 3751, Pub. L. 90-351, title I, § 501, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1192, set out Congressional statement of purpose of national priority grants.

Section 3752, Pub. L. 90-351, title I, § 502, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1192, prescribed percentage of appropriation for national priority grant program.

Section 3753, Pub. L. 90-351, title I, § 503, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1192, prescribed procedure for designating national priority programs, including periodic and joint designations by Director of Office of Justice Assistance, Research, and Statistics and Administrator of Law Enforcement Assistance Administration and requests to outside agencies for suggestions.

Section 3754, Pub. L. 90-351, title I, § 504, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1193, prescribed

application requirements, including contents of applications, certifications, review by State criminal justice councils, and private nonprofit organizations.

Section 3755, Pub. L. 90-351, title I, § 505, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1194, set out criteria for award of national priority grants, including establishment of reasonable requirements, maximum per centum of grant funds, funds reserved or set aside but not used in the fiscal year, and three-year period for financial aid and assistance and extension or renewal of period.

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

Section 3751, Pub. L. 90-351, title I, § 501, June 19, 1968, 82 Stat. 205; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 211; Pub. L. 94-503, title I, § 120, Oct. 15, 1976, 90 Stat. 2418, related to administrative rules, regulations, and procedures.

Section 3752, Pub. L. 90-351, title I, § 502, June 19, 1968, 82 Stat. 205; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 211, made provision for delegation of functions of Law Enforcement Assistance Administration to other officers of Department of Justice.

Section 3753, Pub. L. 90-351, title I, § 503, June 19, 1968, 82 Stat. 205; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 211, required specific Congressional authorization to transfer functions, powers, and duties of Law Enforcement Assistance Administration within the Department of Justice.

Section 3754, Pub. L. 90-351, title I, § 504, June 19, 1968, 82 Stat. 205; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 211, provided for place for holding of hearings, signing and issuance of subpoenas, administering of oaths, the examination of witnesses, and reception of evidence by Administration personnel.

A prior section 505 of Pub. L. 90-351, title I, June 19, 1968, 82 Stat. 205, amended section 5315 of Title 5, Government Organization and Employees.

Section 3755, Pub. L. 90-351, title I, § 507, June 19, 1968, 82 Stat. 205; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 211; Pub. L. 94-503, title I, §§ 119(b), 121, Oct. 15, 1976, 90 Stat. 2417, 2418, related to officers, employees, and hearing examiners.

Section 3756, Pub. L. 90-351, title I, § 508, June 19, 1968, 82 Stat. 205; Pub. L. 91-644, title I, § 7(3), Jan. 2, 1971, 84 Stat. 1887; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 211, related to use of services, equipment, personnel, and facilities of other Federal agencies.

Section 3757, Pub. L. 90-351, title I, § 509, June 19, 1968, 82 Stat. 206; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 211; Pub. L. 94-503, title I, § 122(a), Oct. 15, 1976, 90 Stat. 2418, provided for withholding of payments for noncompliance with certain requirements and for notice and hearing in event of such withholding of payments.

Section 3758, Pub. L. 90-351, title I, § 510, June 19, 1968, 82 Stat. 206; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 212, made provision for administrative proceedings.

Section 3759, Pub. L. 90-351, title I, § 511, June 19, 1968, 82 Stat. 206; Pub. L. 90-351, title I, § 511, June 19, 1968, 82 Stat. 206; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 212, provided for judicial review.

Section 3760, Pub. L. 90-351, title I, § 512, June 19, 1968, 82 Stat. 207; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 213, authorized Administration to carry out programs provided for under this chapter during fiscal year ending June 30, 1974, and two succeeding fiscal years, prior to repeal by Pub. L. 94-503, title I, § 123, Oct. 15, 1976, 90 Stat. 2419.

Section 3761, Pub. L. 90-351, title I, § 513, June 19, 1968, 82 Stat. 207; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 213, provided for coordination of law enforcement assistance and related Federal programs.

Section 3762, Pub. L. 90-351, title I, § 514, June 19, 1968, 82 Stat. 207; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 213, provided for reimbursement of Federal agencies.

Section 3763, Pub. L. 90-351, title I, § 515, June 19, 1968, 82 Stat. 207; Pub. L. 91-644, title I, § 7(4), Jan. 2, 1971, 84 Stat. 1887; Pub. L. 93-83, § 2, Aug. 6, 1973, 87 Stat. 213;

Pub. L. 94-503, title I, §124, Oct. 15, 1976, 90 Stat. 2421, provided for functions, powers, and duties of Law Enforcement Assistance Administration.

Section 3764, Pub. L. 90-351, title I, §516, June 19, 1968, 82 Stat. 207; Pub. L. 91-644, title I, §7(5), Jan. 2, 1971, 84 Stat. 1887; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 213, provided for making of payments under this chapter.

Section 3765, Pub. L. 90-351, title I, §517, June 19, 1968, 82 Stat. 207; Pub. L. 91-644, title I, §7(6), Jan. 2, 1971, 84 Stat. 1887; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 213, provided for personnel of Administration.

Section 3766, Pub. L. 90-351, title I, §518, June 19, 1968, 82 Stat. 208; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 214; Pub. L. 94-503, title I, §122(b), Oct. 15, 1976, 90 Stat. 2418, prohibited certain constructions of provisions of this chapter.

Section 3767, Pub. L. 90-351, title I, §519, June 19, 1968, 82 Stat. 208; Pub. L. 91-644, title I, §7(7), Jan. 2, 1971, 84 Stat. 1888; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 214; Pub. L. 94-273, §5(5), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94-503, title I, §125, Oct. 15, 1976, 90 Stat. 2422; Pub. L. 95-115, §9(a), Oct. 3, 1977, 91 Stat. 1060, related to annual reports to President and Congress.

Section 3768, Pub. L. 90-351, title I, §520, June 19, 1968, 82 Stat. 208; Pub. L. 90-462, §1, Aug. 8, 1968, 82 Stat. 638; Pub. L. 91-644, title I, §7(8), Jan. 2, 1971, 84 Stat. 1888; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 214; Pub. L. 93-415, title V, §544, Sept. 7, 1974, 88 Stat. 1142; Pub. L. 94-430, §3, Sept. 29, 1976, 90 Stat. 1348; Pub. L. 94-503, title I, §126, Oct. 15, 1976, 90 Stat. 2423, related to authorization of appropriations.

Section 3769, Pub. L. 90-351, title I, §521, June 19, 1968, 82 Stat. 208; Pub. L. 91-644, title I, §7(9), Jan. 2, 1971, 84 Stat. 1888; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 215; Pub. L. 94-503, title I, §§127, 128(a), Oct. 15, 1976, 90 Stat. 2424, related to recordkeeping requirements.

Section 3770, Pub. L. 90-351, title I, §523, as added Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 215, provided for use of unobligated Federal funds for 90 percent of costs.

Section 3771 of this title, Pub. L. 90-351, title I, §524, as added Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 215, related to availability of information for prescribed purposes.

Section 3772 of this title, Pub. L. 90-351, title I, §526, as added Pub. L. 93-415, title V, §545, Sept. 7, 1974, 88 Stat. 1143, related to acceptance of volunteer services.

Section 3773 of this title, Pub. L. 90-351, title I, §527, as added Pub. L. 93-415, title V, §545, Sept. 7, 1974, 88 Stat. 1143, related to administration of juvenile delinquency programs by Office of Juvenile Justice and Delinquency Prevention.

Section 3774 of this title, Pub. L. 90-351, title I, §528, as added Pub. L. 93-415, title V, §545, Sept. 7, 1974, 88 Stat. 1143, authorized employment of personnel by Law Enforcement Assistance Administration.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3013, 3722, 3742, 3782, 3793, 3796bb-1, 3797 of this title.

§ 3750. Name of programs

The grant programs established under this subchapter shall be known as the "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs".

(Pub. L. 90-351, title I, §500, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4329.)

PRIOR PROVISIONS

For prior sections 3750 to 3750d of this title, see note set out preceding section 3741 of this title.

§ 3750a. Grant authorization

(a) Purpose

The purpose of sections 3750a to 3750d of this title is to supplement the provisions of the Ed-

ward Byrne Memorial State and Local Law Enforcement Assistance Program to help the States to curb motor vehicle thefts and the related violence.

(b) Grants

The Director of the Bureau of Justice Assistance shall make grants to Anti Car Theft Committees submitting applications in compliance with the requirements of sections 3750a to 3750d of this title.

(Pub. L. 102-519, title I, §130, Oct. 25, 1992, 106 Stat. 3386.)

CODIFICATION

Section was enacted as part of the Anti Car Theft Act of 1992, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3750b, 3750c, 3750d of this title.

§ 3750b. Application

(a) Submission

To be eligible to receive a grant under sections 3750a to 3750d of this title, a chief executive of an Anti Car Theft Committee shall submit an application to the Director of the Bureau of Justice Assistance.

(b) Content

The application submitted under subsection (a) of this section shall include the following:

(1) A statement that the applicant Anti Car Theft Committee is either a State agency or an agency of a unit of local government.

(2) A statement that the applicant Anti Car Theft Committee is or will be financed in part (A) by a fee on motor vehicles registered by the State or possessed or insured within the State (and that such fee is not less than \$1 per vehicle), or (B) in the same manner and to the same extent as is a similar program financed and implemented in a State like Michigan.

(3) An assurance that Federal funds received under a grant under sections 3750a to 3750d of this title shall be used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under such grant.

(4) A statement that the resources of the applicant Anti Car Theft Committee will be devoted entirely to combating motor vehicle theft, including any or all of the following:

(A) Financing law enforcement officers or investigators whose duties are entirely or primarily related to investigating cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

(B) Financing prosecutors whose duties are entirely or primarily related to prosecuting cases of motor vehicle theft or of trafficking in stolen motor vehicles or motor vehicle parts.

(C) Motor vehicle theft prevention programs, including vehicle identification number etching programs, programs implemented by law enforcement agencies and designed to enable the electronic tracking of

stolen automobiles, and programs designed to prevent the export of stolen vehicles.

(5) A description of the budget for the applicant Anti Car Theft Committee for the fiscal year for which a grant is sought.

(Pub. L. 102-519, title I, §131, Oct. 25, 1992, 106 Stat. 3386.)

CODIFICATION

Section was enacted as part of the Anti Car Theft Act of 1992, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3750a, 3750c, 3750d of this title.

§ 3750c. Award of grants**(a) In general**

The Director shall allocate to each State a proportion of the total funds available under sections 3750a to 3750d of this title that is equal to the proportion of the number of motor vehicles registered in such State to the total number of motor vehicles registered in the United States. The Director shall ensure that all applicant States have an opportunity to receive grants from an available appropriation. Any State that has not met the requirements described in section 30503 of title 49 shall be excluded from any allocation under this subsection.

(b) Grant amounts

If one Anti Car Theft Committee within a State submits an application in compliance with section 3750b of this title, the Director shall award to such Anti Car Theft Committee a grant equal to the total amount of funds allocated to such State under this section. In no case shall the Anti Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti Car Theft Committee.

(c) Multiple committees

If two or more Anti Car Theft Committees within a State submit applications in compliance with section 3750b of this title, the Director shall award to such Anti Car Theft Committees grants that in sum are equal to the total amount of funds allocated to such State under this section. In no case shall an Anti Car Theft Committee receive a grant that is more than 50 percent of the preaward budget for such Anti Car Theft Committee. The Director shall allocate funds among two or more Anti Car Theft Committees with¹ a State according to the proportion of the preaward budget of each Anti Car Theft Committee to the total preaward budget for all grant recipient Anti Car Theft Committees within such State.

(d) Renewal of grants

Subject to the availability of funds, a grant under sections 3750a to 3750d of this title may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives an initial grant under this section and

sections 3750a, 3750b, and 3750d of this title if the Director determines that the funds made available to the recipient during the previous year were used in the manner required under the approved application.

(Pub. L. 102-519, title I, §132, Oct. 25, 1992, 106 Stat. 3387.)

CODIFICATION

Section was enacted as part of the Anti Car Theft Act of 1992, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

In subsection (a), “section 30503 of title 49” substituted for “section 203 of this Act”, meaning section 203 of Pub. L. 102-519, on authority of Pub. L. 103-272, §6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3750a, 3750b, 3750d of this title.

§ 3750d. Authorization of appropriations

There are authorized to be appropriated \$10,000,000 to carry out sections 3750a to 3750d of this title for each of the fiscal years 1993, 1994, and 1995.

(Pub. L. 102-519, title I, §133, Oct. 25, 1992, 106 Stat. 3387.)

CODIFICATION

Section was enacted as part of the Anti Car Theft Act of 1992, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3750a, 3750b, 3750c of this title.

PART A—DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM**PART REFERRED TO IN OTHER SECTIONS**

This part is referred to in sections 3766b, 3782, 3783, 3796bb-1, 14223 of this title.

§ 3751. Description of drug control and system improvement grant program**(a) Purpose of program**

It is the purpose of this part to assist States and units of local government in carrying out specific programs which offer a high probability of improving the functioning of the criminal justice system, with special emphasis on a nationwide and multilevel drug control strategy by developing programs and projects to assist multi-jurisdictional and multi-State organizations in the drug control problem and to support national drug control priorities.

(b) Grants to States and units of local government; purposes of grants

The Director of the Bureau of Justice Assistance (hereafter in this subchapter referred to as the “Director”) is authorized to make grants to States, for the use by States and units of local government in the States, for the purpose of enforcing State and local laws that establish offenses similar to offenses established in the Con-

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

trolled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders. Such grants shall provide additional personnel, equipment, training, technical assistance, and information systems for the more widespread apprehension, prosecution, adjudication, and detention and rehabilitation of persons who violate these laws, and to assist the victims of such crimes (other than compensation), including—

(1) demand reduction education programs in which law enforcement officers participate;

(2) multijurisdictional task force programs that integrate Federal, State, and local drug law enforcement agencies and prosecutors for the purpose of enhancing interagency coordination, intelligence, and facilitating multijurisdictional investigations;

(3) programs designed to target the domestic sources of controlled and illegal substances, such as precursor chemicals, diverted pharmaceuticals, clandestine laboratories, and cannabis cultivations;

(4) providing community and neighborhood programs that assist citizens in preventing and controlling crime, including special programs that address the problems of crimes committed against the elderly and special programs for rural jurisdictions;

(5) disrupting illicit commerce in stolen goods and property;

(6) improving the investigation and prosecution of white-collar crime, organized crime, public corruption crimes, and fraud against the government with priority attention to cases involving drug-related official corruption;

(7)(A) improving the operational effectiveness of law enforcement through the use of crime analysis techniques, street sales enforcement, schoolyard violator programs, gang-related and low-income housing drug control programs;

(B) developing and implementing anti-terrorism plans for deep draft ports, international airports, and other important facilities;

(8) career criminal prosecution programs including the development of proposed model drug control legislation;

(9) financial investigative programs that target the identification of money laundering operations and assets obtained through illegal drug trafficking, including the development of proposed model legislation, financial investigative training, and financial information sharing systems;

(10) improving the operational effectiveness of the court process, by expanding prosecutorial, defender and judicial resources, and implementing court delay reduction programs;

(11) programs designed to provide additional public correctional resources and improve the corrections system, including treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies;

(12) providing prison industry projects designed to place inmates in a realistic working and training environment which will enable

them to acquire marketable skills and to make financial payments for restitution to their victims, for support of their own families, and for support of themselves in the institution;

(13) providing programs which identify and meet the treatment needs of adult and juvenile drug-dependent and alcohol-dependent offenders;

(14) developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

(15)(A) developing programs to improve drug control technology, such as pretrial drug testing programs, programs which provide for the identification, assessment, referral to treatment, case management and monitoring of drug dependent offenders, enhancement of State and local forensic laboratories, and

(B) criminal and justice information systems to assist law enforcement, prosecution, courts, and corrections organization (including automated fingerprint identification systems);

(16) innovative programs that demonstrate new and different approaches to enforcement, prosecution, and adjudication of drug offenses and other serious crimes;

(17) addressing the problems of drug trafficking and the illegal manufacture of controlled substances in public housing;

(18) improving the criminal and juvenile justice system's response to domestic and family violence, including spouse abuse, child abuse, and abuse of the elderly;

(19) drug control evaluation programs which the State and local units of government may utilize to evaluate programs and projects directed at State drug control activities;

(20) providing alternatives to prevent detention, jail, and prison for persons who pose no danger to the community;

(21) programs of which the primary goal is to strengthen urban enforcement and prosecution efforts targeted at street drug sales;

(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles;

(23) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-old juveniles in courts with jurisdiction over adults for the crimes of—

(A) murder in the first degree;

(B) murder in the second degree;

(C) attempted murder;

(D) armed robbery when armed with a firearm;

(E) aggravated battery or assault when armed with a firearm;

(F) criminal sexual penetration when armed with a firearm; and

(G) drive-by shootings as described in section 36 of title 18;

(24) law enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs; and

(25) developing or improving in a forensic laboratory a capability to analyze deoxyribo-

nucleic acid (hereinafter in this chapter referred to as "DNA") for identification purposes.

(c) Program evaluation component; waiver

Each program funded under this section shall contain an evaluation component, developed pursuant to guidelines established by the National Institute of Justice, in consultation with the Bureau of Justice Assistance. The Director of the Bureau of Justice Assistance may waive this requirement when in the opinion of the Director—

(1) the program is not of sufficient size to justify a full evaluation report; or

(2) the program is designed primarily to provide material resources and supplies, such as laboratory equipment, that would not justify a full evaluation report.

(Pub. L. 90-351, title I, § 501, as added and amended Pub. L. 100-690, title V, § 5104, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4301, 4329; Pub. L. 101-647, title VI, § 601(b), Nov. 29, 1990, 104 Stat. 4823; Pub. L. 103-322, title X, § 100003, title XIV, § 140004, title XV, § 150003, title XXI, § 210302(a), Sept. 13, 1994, 108 Stat. 1996, 2032, 2035, 2065.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (b), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

PRIOR PROVISIONS

For prior sections 501 of Pub. L. 90-351 and prior sections 3751 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS

1994—Subsec. (b)(22). Pub. L. 103-322, § 100003, added par. (22).

Subsec. (b)(23). Pub. L. 103-322, § 140004, added par. (23).

Subsec. (b)(24). Pub. L. 103-322, § 150003, added par. (24).

Subsec. (b)(25). Pub. L. 103-322, § 210302(a), added par. (25).

1990—Subsec. (b)(10). Pub. L. 101-647, which directed general amendment of par. (10) of this section, was executed by amending par. (10) of subsec. (b) generally, to reflect the probable intent of Congress. Prior to amendment, par. (10) of subsec. (b) read as follows: "improving the operational effectiveness of the court process through programs such as court delay reduction programs and enhancement programs;".

1988—Subsec. (b)(17) to (21). Pub. L. 100-690, § 5104, added par. (17) and redesignated former pars. (17) to (20) as (18) to (21), respectively.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 210302(c)(4) of Pub. L. 103-322 provided that: "The amendments made by this section [enacting subchapter XII-L of this chapter and amending this section and sections 3753, 3793, and 3797 of this title] shall take effect on the date that is 60 days after the date of enactment of this Act [Sept. 13, 1994]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3754, 3756, 3760, 3766, 3782 of this title.

§ 3752. Eligibility

The Bureau is authorized to make financial assistance under this part available to a State

to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this part.

(Pub. L. 90-351, title I, § 502, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4331.)

PRIOR PROVISIONS

For prior sections 502 of Pub. L. 90-351 and prior sections 3752 of this title, see note set out preceding section 3750 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3754, 3756, 3760 of this title.

§ 3753. State applications

(a) To request a grant under this part, the chief executive officer of a State shall submit an application within 60 days after the Bureau has promulgated regulations under this section, and for each subsequent year, within 60 days after the date that appropriations for this subchapter are enacted, in such form as the Director may require. Such application shall include the following:

(1) A statewide strategy for drug and violent crime control programs which improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime, and serious offenders. The strategy shall be prepared after consultation with State and local officials with emphasis on those whose duty it is to enforce drug and criminal laws and direct the administration of justice and shall contain—

(A) a definition and analysis of the drug and violent crime problem in the State, and an analysis of the problems in each of the counties and municipalities with major drug and violent crime problems;

(B) an assessment of the criminal justice resources being devoted to crime and drug control programs at the time of the application;

(C) coordination requirements;

(D) resource needs;

(E) the establishment of statewide priorities for crime and drug control activities and programs;

(F) an analysis of the relationship of the proposed State efforts to the national drug control strategy; and

(G) a plan for coordinating the programs to be funded under this subchapter with other federally funded programs, including State and local drug abuse education, treatment, and prevention programs.

(2) A certification that Federal funds made available under the formula grant of this part will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

(3) A certification that funds required to pay the non-Federal portion of the cost of each program and project for which such grant is made shall be in addition to funds that would otherwise be made available for law enforcement by the recipients of grant funds.

(4) An assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 30-day period beginning on the date such application or amendment is so submitted).

(5) An assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.

(6) An assurance that following the first fiscal year covered by an application and for each fiscal year thereafter, a performance evaluation and assessment report concerning the activities carried out pursuant to this section will be submitted to the Bureau.

(7) A provision for fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records that the Bureau shall prescribe to assure fiscal control, proper management, and efficient disbursement of funds reviewed under this section.

(8) An assurance that the applicant shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the Bureau may reasonably require to administer other provisions of this part.

(9) A certification that its programs meet all the requirements of this section, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this part and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Bureau and shall be executed by the chief executive or such other officer of the applicant qualified under regulations promulgated by the Office.

(10) A certification that the State is undertaking initiatives to reduce, through the enactment of innovative penalties or increasing law enforcement efforts, the demand for controlled substances by holding accountable those who unlawfully possess or use such substances.

(11) An assurance that the State has established a plan under which the State will provide without fee to the Immigration and Naturalization Service, within 30 days of the date of their conviction, notice of conviction of aliens who have been convicted of violating the criminal laws of the State and under which the State will provide the Service with the certified record of such a conviction within 30 days of the date of a request by the Service for such record.

(12) If any part of funds received from a grant made under this subchapter is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 14131 of this title;

(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

(i) to criminal justice agencies for law enforcement identification purposes;

(ii) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(iii) 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

(iv) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 14131 of this title.

(b) Within 30 days after November 18, 1988, the Director shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this section.

(Pub. L. 90-351, title I, § 503, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4331; amended Pub. L. 101-649, title V, § 507(a), Nov. 29, 1990, 104 Stat. 5050; Pub. L. 102-232, title III, § 306(a)(6), Dec. 12, 1991, 105 Stat. 1751; Pub. L. 103-322, title XXI, § 210302(b), Sept. 13, 1994, 108 Stat. 2065.)

PRIOR PROVISIONS

For prior sections 503 of Pub. L. 90-351 and prior sections 3753 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS

1994—Subsec. (a)(12). Pub. L. 103-322 added par. (12).

1991—Subsec. (a)(11). Pub. L. 102-232 substituted “notice” for “the certified records” and inserted before period at end “and under which the State will provide the Service with the certified record of such a conviction within 30 days of the date of a request by the Service for such record”.

1990—Subsec. (a)(11). Pub. L. 101-649 added par. (11).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-322 effective 60 days after Sept. 13, 1994, see section 210302(c)(4) of Pub. L. 103-322, set out as a note under section 3751 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-232 effective as if included in the enactment of the Immigration Act of 1990, Pub. L. 101-649, see section 310(1) of Pub. L. 102-232, set out as a note under section 1101 of Title 8, Aliens and Nationality.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 507(b) of Pub. L. 101-649 provided that: "The amendment made by subsection (a) [amending this section] shall apply to grants for fiscal years beginning with fiscal year 1991."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3755, 3757, 3761, 3766b, 3782, 3796bb-1, 3796dd-1 of this title.

§ 3754. Grant limitations**(a) Cost of identified uses**

A grant made under this part may not—

(1) for fiscal year 1991 appropriations be expended for more than 75 per centum; and

(2) for any subsequent fiscal year appropriations be expended for more than 75 per centum;

of the cost of the identified uses for which such grant is received to carry out any purpose specified in section 3752 of this title, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

(b) Administrative costs

Not more than 10 percent of a grant made to an eligible State under section 3756 of this title may be used for costs incurred to administer such grant.

(c) Participation in State and Local Task Force Program; use of grant

States and units of local government or combinations thereof are authorized to use a grant made under section 3756 of this title for the expenses associated with participation in the State and Local Task Force Program established by the Drug Enforcement Administration.

(d) Conduct of evaluation expenses

States and local units of government are authorized to use a grant made under section 3756 of this title for the expenses associated with conducting the evaluations required under section 3751(c) of this title.

(e) Non-Federal portion costs

The non-Federal portion of the cost of such program or project shall be in cash. State and local units of government may use cash received under the equitable sharing program to cover the non-Federal portion of the costs of programs funded under section 3756 of this title.

(f) Programs already receiving funds

Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces¹ victims assistance programs, or multijurisdictional gang task forces, no funds may be awarded under this part to a grant recipient for a program or project for which funds have been awarded under this chapter for 4 years (in the aggregate), including any period occurring before November 18, 1988.

(Pub. L. 90-351, title I, § 504, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat.

4333; amended Pub. L. 101-162, title II, § 211, Nov. 21, 1989, 103 Stat. 1006; Pub. L. 101-515, title II, § 207, Nov. 5, 1990, 104 Stat. 2119; Pub. L. 101-647, title VI, § 601(a), Nov. 29, 1990, 104 Stat. 4823; Pub. L. 102-140, title I, §§ 108, 109, Oct. 28, 1991, 105 Stat. 794; Pub. L. 103-322, title XV, § 150009, Sept. 13, 1994, 108 Stat. 2036.)

PRIOR PROVISIONS

For prior sections 504 of Pub. L. 90-351 and prior sections 3754 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS

1994—Subsec. (f). Pub. L. 103-322 inserted "victims assistance programs, or multijurisdictional gang task forces" after "drug task forces".

1991—Subsec. (a)(2). Pub. L. 102-140, § 109, substituted "75 per centum" for "50 per centum".

Subsec. (f). Pub. L. 102-140, § 108, substituted "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces, no" for "No".

1990—Subsec. (a)(1). Pub. L. 101-515 and Pub. L. 101-647 amended par. (1) identically, substituting "1991" for "1990".

1989—Subsec. (a)(1). Pub. L. 101-162 substituted "1990" for "1989".

EXEMPTION FOR CERTAIN GRANTS FOR FISCAL YEAR 1994

Pub. L. 103-121, title I, § 112, Oct. 27, 1993, 107 Stat. 1165, provided that: "For fiscal year 1994 only, grants awarded to State and local governments for the purpose of participating in gang task forces and for programs or projects to abate drug activity in residential and commercial buildings through community participation, shall be exempt from the provisions of section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended [42 U.S.C. 3754(f)]."

§ 3755. Review of State applications**(a) Financial assistance upon approval of application or amendment**

The Bureau shall provide financial assistance to each State applicant under this part to carry out the programs or projects submitted by such applicant upon determining that—

(1) the application or amendment thereto is consistent with the requirements of this part; and

(2) before the approval of the application and any amendment thereto the Bureau has made an affirmative finding in writing that the program or project has been reviewed in accordance with this part.

(b) Time limitation for approval; specific reasons for disapproval

Each application or amendment made and submitted for approval to the Bureau pursuant to section 3753 of this title shall be deemed approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

(c) Limitation on use of grant funds for land acquisition or construction projects

Grant funds awarded under this part shall not be used for land acquisition or construction projects, other than penal and correctional institutions.

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

(d) Reasonable notice and opportunity for reconsideration before final disapproval

The Bureau shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

(Pub. L. 90-351, title I, §505, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4333.)

PRIOR PROVISIONS

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

§ 3756. Allocation and distribution of funds under formula grants**(a) States**

Subject to subsection (f) of this section, of the total amount appropriated for this subchapter in any fiscal year, the amount remaining after setting aside the amount required to be reserved to carry out section 3761 of this title shall be set aside for section 3752 of this title and allocated to States as follows:

(1) \$500,000 or 0.25 percent, whichever is greater, shall be allocated to each of the participating States; and

(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.

(b) Units of local government

(1) Each State which receives funds under subsection (a) of this section in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 3751(b) of this title that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for criminal justice in such preceding fiscal year.

(2) In distributing funds received under this subchapter among urban, rural, and suburban units of local government and combinations thereof, the State shall give priority to those jurisdictions with the greatest need.

(3) Any funds not distributed to units of local government under paragraph (2) shall be available for expenditure by the State involved.

(4) For purposes of determining the distribution of funds under paragraphs (1) and (2), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

(c) Programs eligible

No funds allocated to a State under subsection (a) of this section or received by a State for dis-

tribution under subsection (b) of this section may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

(d) Unneeded State allocated funds distributed to units of local government

If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under section 3752 of this title, or that a State chooses not to participate in the program established under such section, then such portion shall be awarded by the Director to urban, rural, and suburban units of local government or combinations thereof within such State giving priority to those jurisdictions with greatest need.

(e) Funds not distributed

Any funds allocated under subsection (a) or (f) of this section that are not distributed under this section shall be available for obligation under part B of this subchapter.

(f) Testing certain sex offenders for human immunodeficiency virus

(1) For any fiscal year beginning more than 2 years after November 29, 1990—

(A) 90 percent of the funds allocated under subsection (a) of this section without regard to this subsection to a State described in paragraph (2) shall be distributed by the Director to such State; and

(B) 10 percent of such funds shall be allocated equally among States that are not affected by the operation of subparagraph (A).

(2) Paragraph (1)(A) refers to a State that does not have in effect, and does not enforce, in such fiscal year, a law that requires the State at the request of the victim of a sexual act—

(A) to administer, to the defendant convicted under State law of such sexual act, a test to detect in such defendant the presence of the etiologic agent for acquired immune deficiency syndrome;

(B) to disclose the results of such test to such defendant and to the victim of such sexual act; and

(C) to provide to the victim of such sexual act counseling regarding HIV disease, HIV testing, in accordance with applicable law, and referral for appropriate health care and support services.

(3) For purposes of this subsection—

(A) the term “convicted” includes adjudicated under juvenile proceedings; and

(B) the term “sexual act” has the meaning given such term in subparagraph (A) or (B) of section 2245(1)¹ of title 18.

(Pub. L. 90-351, title I, §506, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4334; amended Pub. L. 101-162, title II, §212, Nov. 21, 1989, 103 Stat. 998, 1006; Pub. L. 101-302, title III, §320(c)(1), May 25, 1990, 104 Stat. 248; Pub. L. 101-647, title XVIII, §1804, Nov. 29, 1990, 104 Stat. 4851; Pub. L. 103-322, title XXXIII, §330001(a), Sept. 13, 1994, 108 Stat. 2138.)

¹ See References in Text note below.

REFERENCES IN TEXT

Section 2245 of title 18, referred to in subsec. (f)(3)(B), was renumbered section 2246 of title 18 by Pub. L. 103-322, title VI, § 60010(a)(1), Sept. 13, 1994, 108 Stat. 1972.

PRIOR PROVISIONS

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

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, § 330001(a)(1), substituted “Subject to subsection (f) of this section, of, for ‘Of’ in introductory provisions.

Subsec. (c). Pub. L. 103-322, § 330001(a)(2), substituted “subsection (b)” for “subsections (b) and (c)”.

Subsec. (e). Pub. L. 103-322, § 330001(a)(3), substituted “or (f)” for “or (e)”.

Subsec. (f)(1). Pub. L. 103-322, § 330001(a)(4), in subparagraph (A), struck out “, taking into consideration subsection (e) of this section but” before “without regard” and the comma after “to this subsection”, and in subparagraph (B), substituted “such funds” for “such amount”.

1990—Subsec. (a). Pub. L. 101-302, § 320(c)(1)(A), in introductory provisions inserted “required” after “setting aside the amount”.

Subsec. (a)(1). Pub. L. 101-647, § 1804(1), which directed substitution of “subsections (e) and (f)” for “subsection (e)”, could not be executed because the words “subsection (e)” did not appear.

Pub. L. 101-302, § 320(c)(1)(B), substituted “\$500,000 or 0.25 percent, whichever is greater,” for “0.4 percent”.

Subsec. (f). Pub. L. 101-647, § 1804(2), (3), which directed the addition of subsec. (f) and redesignation of former subsec. (f) as (g), was executed by adding subsec. (f), there being no prior subsec. (f).

1989—Subsec. (a). Pub. L. 101-162, § 212, amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Of the total amount appropriated for this subchapter in any fiscal year, the amount remaining after setting aside the amount required to be reserved to carry out section 3761 of this title shall be set aside for section 3752 of this title and allocated to States as follows:

“(1) \$500,000 or 0.25 percent, whichever if greater, shall be allocated to each of the participating States; and

“(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of such State bears to the population of all the States.”

Subsec. (a)(1). Pub. L. 101-162, title II, inserted “or 0.25 percent, whichever is greater,” after “\$500,000”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3754, 3758, 3759, 3766, 3766b, 3791, 3796bb-1, 14071 of this title.

§ 3757. State office

(a) The chief executive of each participating State shall designate a State office for purposes of—

(1) preparing an application to obtain funds under section 3753 of this title;

(2) administering funds received under such section from the Director, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing and fund disbursements; and

(3) coordinating the distribution of funds provided under this subchapter with State agencies receiving Federal funds for drug

abuse education, prevention, treatment, and research activities and programs.

(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a) of this section.

(Pub. L. 90-351, title I, § 507, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4335.)

PRIOR PROVISIONS

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3789, 3796cc-1, 3796ee-1, 3796ff-1 of this title.

§ 3758. Distribution of grants to local government

(a) Each application made by a local unit of government, or a combination of units of local government, to a State for funds under this part shall be deemed approved, in whole or in part, by the State not later than 45 days after first received unless the State informs the applicant in writing of specific reasons for disapproval. The State shall not finally disapprove any application submitted to the State without first affording the applicant reasonable notice and opportunity for reconsideration.

(b) Each State which receives funds under section 3756 of this title in a fiscal year shall make such funds available to local units of government, or combinations thereof, whose application has been submitted to, approved and awarded by the State, within 45 days after the Bureau has approved the State application and has made funds available to such State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State cannot satisfy that requirement consistent with State statutes.

(Pub. L. 90-351, title I, § 508, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4335.)

REFERENCES IN TEXT

This part, referred to in subsec. (a), was in the original “this subchapter”, and was translated as reading “this subpart”, meaning subparagraph 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, because title I of that Act does not contain subchapters.

PRIOR PROVISIONS

For prior section 508 of Pub. L. 90-351 and prior section 3758 of this title, see note set out preceding section 3750 of this title.

§ 3759. Improvement of criminal justice records**(a) Percentage allocation of funds**

Subject to subsection (d) of this section, each State which receives funds under section 3756 of this title in a fiscal year shall allocate not less than 5 percent of such funds to the improvement of criminal justice records.

(b) Includible improvements

The improvement referred to in subsection (a) of this section shall include—

(1) the completion of criminal histories to include the final dispositions of all arrests for felony offenses;

(2) the full automation of all criminal justice histories and fingerprint records;

(3) the frequency and quality of criminal history reports to the Federal Bureau of Investigation; and

(4)¹ the improvement of State record systems and the sharing with the Attorney General of all of the records described in paragraphs (1), (2), and (3) of this subsection and the records required by the Attorney General under section 103 of the Brady Handgun Violence Prevention Act, for the purpose of implementing that Act.

(4)¹ the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the child abuse crime records required under the National Child Protection Act of 1993 [42 U.S.C. 5119 et seq.] with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.

(c) Guidelines

The Director, in consultation with the Director of the Bureau of Justice Statistics, shall establish guidelines for the fulfillment of the requirements specified in subsections (a) and (b) of this section.

(d) Expenditures unwarranted in light of quality of criminal justice records

In accordance with such guidelines as the Director shall issue and on the request of a State, the Director may—

(1) waive compliance with subsection (a) of this section by such State; or

(2) authorize such State to reduce the minimum amount such State is required to allocate under subsection (a) of this section;

if the Director, in the discretion of the Director, finds that the quality of the State's criminal justice records does not warrant expending the amount allocated under subsection (a) of this section.

(Pub. L. 90-351, title I, § 509, as added Pub. L. 101-647, title XVIII, § 1803(a), Nov. 29, 1990, 104 Stat. 4850; amended Pub. L. 103-159, title I, § 106(a), Nov. 30, 1993, 107 Stat. 1543; Pub. L. 103-209, § 4(a), Dec. 20, 1993, 107 Stat. 2493.)

REFERENCES IN TEXT

The Brady Handgun Violence Prevention Act, referred to in subsec. (b)(4), is title I of Pub. L. 103-159, Nov. 30, 1993, 107 Stat. 1536, which enacted section 925A of Title 18, Crimes and Criminal Procedure, amended this section and sections 921, 922, and 924 of Title 18, and enacted provisions set out as notes under sections 921 and 922 of Title 18. Section 103 of Act is set out as a note under section 922 of Title 18. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 921 of Title 18 and Tables.

The National Child Protection Act of 1993, referred to in subsec. (b)(4), is Pub. L. 103-209, Dec. 20, 1993, 107 Stat. 2490, which is classified principally to subchapter VI (§ 5119 et seq.) of chapter 67 of this title. For complete classification of this Act to the Code, see Short

Title of 1993 Amendment note set out under section 5101 of this title and Tables.

PRIOR PROVISIONS

For prior section 509 of Pub. L. 90-351 and prior section 3759 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS

1993—Subsec. (b)(2). Pub. L. 103-159, § 106(a)(1), and Pub. L. 103-209, § 4(a)(1), amended par. (2) identically, striking “and” at end.

Subsec. (b)(3). Pub. L. 103-159, § 106(a)(2), and Pub. L. 103-209, § 4(a)(2), amended par. (3) identically, substituting “; and” for period at end.

Subsec. (b)(4). Pub. L. 103-209, § 4(a)(3), added par. (4) relating to funding for improvement of State record systems and sharing of records described in pars. (1), (2), and (3) and child abuse crime information.

Pub. L. 103-159, § 106(a)(3), added par. (4) relating to funding for improvement of State record systems and sharing of records described in pars. (1), (2), and (3) and records required by the Attorney General under section 103 of the Brady Handgun Violence Protection Act.

EFFECTIVE DATE

Section 1803(c) of Pub. L. 101-647 provided that: “The amendments made by this section [enacting this section] shall not apply with respect to any fiscal year beginning before the date of the enactment of this Act [Nov. 29, 1990].”

PART B—DISCRETIONARY GRANTS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 3742, 3756, 3766b of this title.

SUBPART 1—GRANTS TO PUBLIC AND PRIVATE ENTITIES

§ 3760. Purposes

(a) The purpose of this subpart is to provide additional Federal financial assistance to public or private agencies and private nonprofit organizations for purposes of—

(1) undertaking educational and training programs for criminal justice personnel;

(2) providing technical assistance to States and local units of government;

(3) undertaking projects which are national or multijurisdictional in scope and which address the purposes specified in section 3752 of this title; and

(4) providing financial assistance to public agencies and private nonprofit organizations for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction.

(b) In carrying out this subpart, the Director is authorized to make grants to, or enter into contracts with non-Federal public or private agencies, institutions, or organizations or individuals to carry out any purpose specified in section 3751(b) of this title. The Director shall have final authority over all funds awarded under this subpart.

(Pub. L. 90-351, title I, § 510, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4335; amended Pub. L. 101-647, title XVIII, § 1801(a)(2), Nov. 29, 1990, 104 Stat. 4847; Pub. L. 103-322, title XXXII, § 320702(a), Sept. 13, 1994, 108 Stat. 2121.)

¹ So in original. Two pars. (4) have been enacted.

PRIOR PROVISIONS

For prior section 510 of Pub. L. 90-351 and prior section 3760 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 inserted “non-Federal” after “with”.

1990—Pub. L. 101-647 substituted “subpart” for “part” wherever appearing.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 320702(b) of Pub. L. 103-322 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1994.”

§ 3761. Allocation of funds for grants

Of the total amount appropriated for this subchapter (other than subpart 2 of this part) in any fiscal year, 20 percent or \$50,000,000, whichever is less, shall be reserved and set aside for this section in a special discretionary fund for use by the Director in carrying out the purposes specified in section 3753 of this title. Grants under this section may be made for amounts up to 100 percent of the costs of the programs or projects contained in the approved application.

(Pub. L. 90-351, title I, § 511, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4336; amended Pub. L. 101-647, title XVIII, § 1801(a)(3), Nov. 29, 1990, 104 Stat. 4847.)

PRIOR PROVISIONS

For prior section 511 of Pub. L. 90-351 and prior sections 3761 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS

1990—Pub. L. 101-647 struck out “discretionary” before “grants” in section catchline and inserted “(other than subpart 2 of this part)” after “subchapter” in text.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3756, 3762, 3763, 3766 of this title.

§ 3762. Limitation on use of discretionary grant funds

Grant funds awarded under section 3761 of this title shall not be used for land acquisition or construction projects.

(Pub. L. 90-351, title I, § 512, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4336.)

PRIOR PROVISIONS

For prior sections 512 to 514 of Pub. L. 90-351 and prior sections 3762 to 3764 of this title, see note set out preceding section 3750 of this title and sections 3763 and 3764 of this title.

SUBPART 2—GRANTS TO PUBLIC AGENCIES

SUBPART REFERRED TO IN OTHER SECTIONS

This subpart is referred to in sections 3761, 3793 of this title.

§ 3762a. Correctional options grants**(a) Authority to make grants**

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

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

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

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

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

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

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

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

(2) grants to private nonprofit organizations—

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

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

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

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

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

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

(b) Selection of grantees

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

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

(2) give priority to public agencies that clearly demonstrate that the capacity of their correctional facilities is inadequate to accommodate the number of individuals who are convicted of offenses punishable by a term of imprisonment exceeding 1 year.

(c) Consultations

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

(Pub. L. 90-351, title I, § 515, as added Pub. L. 101-647, title XVIII, § 1801(a)(7), Nov. 29, 1990, 104 Stat. 4847; amended Pub. L. 103-322, title XXXIII, § 330001(b)(1), Sept. 13, 1994, 108 Stat. 2138.)

REFERENCES IN TEXT

The Commission on Alternative Utilization of Military Facilities, referred to in subsec. (c), was created by section 2819 of Pub. L. 100-456, as amended, which is set out as a note under section 2391 of Title 10, Armed Forces.

PRIOR PROVISIONS

For prior section 515 of Pub. L. 90-351, see note set out preceding section 3750 of this title.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322, in introductory provisions substituted “paragraphs (1) and (2) of subsection (a)” for “subsection (a)(1) and (2)”, and in part (2) substituted “public agencies” for “States”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3762b, 3763, 3766 of this title; title 10 section 2693.

§ 3762b. Allocation of funds; administrative provisions**(a) Allocation of funds**

Of the total amount appropriated for this subpart in any fiscal year, 80 percent shall be used to make grants under section 3762a(a)(1) of this title, 10 percent shall be used to make grants under section 3762a(a)(2) of this title, and 10 percent shall be used to make grants under section 3762a(a)(3) of this title.

(b) Limit on grant share of cost

A grant made under paragraph (1) or (3) of section 3762a(a) of this title may be made for an amount up to 75 percent of the cost of the correctional option contained in the approved application.

(c) Rules; report; request for applications

The Director shall—

(1) not later than 90 days after funds are first appropriated to carry out this subpart, issue rules to carry out this subpart; and

(2) not later than 180 days after funds are first appropriated to carry out this subpart—

(A) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report describing such rules; and

(B) request applications for grants under this subpart.

(Pub. L. 90-351, title I, § 516, as added Pub. L. 101-647, title XVIII, § 1801(a)(7), Nov. 29, 1990, 104 Stat. 4848; amended Pub. L. 103-322, title XXXIII, § 330001(b)(2), Sept. 13, 1994, 108 Stat. 2138.)

PRIOR PROVISIONS

For prior section 516 of Pub. L. 90-351, see note set out preceding section 3750 of this title.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, § 330001(b)(2)(A), substituted “10 percent shall be used to make grants under section” for “10 percent for section” in two places.

Subsec. (b). Pub. L. 103-322, § 330001(b)(2)(B), substituted “paragraph (1) or (3) of section 3762a(a)” for “section 3762a(a)(1) or (a)(3)”.

SUBPART 3—GENERAL REQUIREMENTS

§ 3763. Application requirements

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

(1) sets forth a program or project which is eligible for funding pursuant to section 3761 or 3762a of this title;

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

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

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

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

(Pub. L. 90-351, title I, § 517, formerly § 513, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4336; renumbered § 517 and amended Pub. L. 101-647, title XVIII, § 1801(a)(4), (6), Nov. 29, 1990, 104 Stat. 4847.)

PRIOR PROVISIONS

For prior section 517 of Pub. L. 90-351 and prior sections 3763 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS

1990—Subsec. (a)(1). Pub. L. 101-647, § 1801(a)(4)(A), inserted “or 3762a” after “3761”.

Subsec. (b). Pub. L. 101-647, § 1801(a)(4)(B), inserted “applicable” after “all the” in three places.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796gg-1 of this title.

§ 3764. Period of award

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

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

(2) the applicant that conducts such program or project agrees to provide at least one-half

of the total cost of such program or project from any source of funds, including Federal grants, available to the eligible jurisdiction.

(Pub. L. 90-351, title I, § 518, formerly § 514, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4336; renumbered § 518 and amended Pub. L. 101-647, title XVIII, § 1801(a)(5), (6), Nov. 29, 1990, 104 Stat. 4847.)

PRIOR PROVISIONS

For prior sections 518 and 519 of Pub. L. 90-351 and prior sections 3764 and 3765 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS

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

PART C—ADMINISTRATIVE PROVISIONS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 3796bb-1 of this title.

§ 3766. Evaluation

(a) Guidelines and comprehensive evaluations

To increase the efficiency and effectiveness of programs funded under this subchapter, the National Institute of Justice shall—

(1) develop guidelines, in cooperation with the Bureau of Justice Assistance, to assist State and local units of government to conduct the program evaluations as required by section 3751(c) of this title; and

(2) conduct a reasonable number of comprehensive evaluations of programs funded under section 3756 (formula grants) and sections 3761 and 3762a (discretionary grants) of this title.

(b) Criteria for selecting programs for review

In selecting programs for review, the Director of the National Institute of Justice should consider—

(1) whether the program establishes or demonstrates a new and innovative approach to drug or crime control;

(2) the cost of the program to be evaluated and the number of similar programs funded under section 3756 (formula grants) and section 3761 (discretionary grants) of this title;

(3) whether the program has a high potential to be replicated in other jurisdictions; and

(4) whether there is substantial public awareness and community involvement in the program. Routine auditing, monitoring, and internal assessment of a State and local drug control program's progress shall be the sole responsibility of the Bureau of Justice Assistance.

(c) Annual report

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

(Pub. L. 90-351, title I, § 520, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat.

4337; amended Pub. L. 101-647, title XVIII, § 1801(b), Nov. 29, 1990, 104 Stat. 4848.)

PRIOR PROVISIONS

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

AMENDMENTS

1990—Subsec. (a)(2). Pub. L. 101-647 substituted “sections 3761 and 3762a” for “section 3761”.

§ 3766a. General provisions

(a) The Bureau shall prepare both a “Program Brief” and “Implementation Guide” document for proven programs and projects to be funded under this subchapter.

(b) The functions, powers, and duties specified in this subchapter to be carried out by the Bureau shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress by law.

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

PRIOR PROVISIONS

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

§ 3766b. Reports

(a) Each State which receives a grant under section 3756 of this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 3753 of this title;

(2) a summary of the activities carried out in such year with any grant received under part B of this subchapter by such State;

(3) the evaluation result of programs and projects;

(4) an explanation of how the Federal funds provided under this subchapter were coordinated with State agencies receiving Federal funds for drug abuse education, prevention, treatment, and research activities; and

(5) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.

(b) Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of grants made under part A of this subchapter and part B of this subchapter to such State for such fiscal year;

(2) the amount of such grants awarded for each of the purposes specified in part A of this subchapter;

(3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a) of this section;

(4) an explanation of how Federal funds provided under this subchapter have been coordinated with Federal funds provided to States for drug abuse education, prevention, treatment, and research activities; and

(5) evaluation results of programs and projects and State strategy implementation.

(Pub. L. 90-351, title I, § 522, as added Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4337.)

PRIOR PROVISIONS

For prior sections 523, 524, and 526 to 528 of Pub. L. 90-351 and prior sections 3767 and 3768 of this title, see note set out preceding section 3750 of this title.

SUBCHAPTER VI—CRIMINAL JUSTICE FACILITY CONSTRUCTION: PILOT PROGRAM

§ 3769. Authority for payments

In order to relieve overcrowding and substandard conditions at State and local correctional facilities, the Director of the Bureau of Justice Assistance (hereinafter in this subchapter referred to as the “Director”) is authorized to make grants to States, units of local government, and combinations of such units to assist in construction of correctional facility projects approved under this subchapter, and in planning to relieve overcrowding and substandard conditions in correctional facilities.

(Pub. L. 90-351, title I, § 601, as added Pub. L. 98-473, title II, § 609, Oct. 12, 1984, 98 Stat. 2088.)

PRIOR PROVISIONS

For prior sections 3769 and 3770, see note set out preceding section 3761 of this title.

A prior section 601 of Pub. L. 90-351 was renumbered section 501 and classified to section 3761 of this title. See note set out preceding section 3750 of this title.

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

EFFECTIVE DATE

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

§ 3769a. Eligibility

(a) Conditions

A State, unit of local government, or combination of such units shall be eligible for assistance under this subchapter for a correctional facility project only—

(1) if the Director, with the concurrence of the Director of the National Institute of Corrections established in chapter 319 of title 18, has made a determination that such project represents a prototype of new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement; and

(2) for not more than one such project in any State per fiscal year.

(b) Development of plan; limitation of assistance

A State, a unit of local government, or a combination of such units shall be eligible for assist-

ance under this subchapter for the development of a plan for relieving overcrowding or substandard conditions in correctional facilities operated by the State, a unit of local government, or a combination of such units. Such assistance shall not exceed 50 percent of the cost of developing the plan.

(Pub. L. 90-351, title I, § 602, as added Pub. L. 98-473, title II, § 609, Oct. 12, 1984, 98 Stat. 2088; amended Pub. L. 103-322, title XXXIII, § 330001(h)(3), Sept. 13, 1994, 108 Stat. 2139.)

PRIOR PROVISIONS

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

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-322 substituted “chapter 319” for “chapter 315”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3769b of this title.

§ 3769b. Application; approval; payment

(a) Terms and conditions of application

A State, unit of local government, or combination of such units desiring to receive assistance under this subchapter for a correctional facility project shall submit to the Director an application which shall include—

(1) reasonable assurance that the applicant has developed an acceptable plan for reducing overcrowding and improving conditions of confinement in its correctional facilities and has implemented, or is in the process of implementing, such plan through legislative, executive, or judicial initiatives;

(2) a detailed description of the correctional facility to be constructed, altered, or expanded, including a description of the site of such facility;

(3) an estimate of the total cost of the construction of such project, including the amount of assistance requested for such project;

(4) reasonable assurance that title to such site is or will be vested solely in the applicant, or another agency or instrumentality of the applicant;

(5) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when complete; and

(6) reasonable assurance that the applicant will comply with the standards and recommendations of the clearinghouse on the construction and modernization of correctional facilities established under section 3769d of this title.

(b) Approval of application; criteria

(1) The Director may approve any such application only if the Director finds that—

(A) there are sufficient funds available to provide the assistance requested;

(B) such assistance does not exceed 20 percent of the estimated total cost of construction;

(C) the application contains such reasonable assurances as may be required under subsection (a) of this section; and

(D) the eligibility criteria of section 3769a of this title are met.

(2) In approving applications under this subsection, the Director shall consider the numbers and general characteristics of the inmate population (to include factors such as offenders' ages, offenses, average term of incarceration, and custody status), and the degree to which the applicant has implemented an inmate classification system which addresses the need for appropriate security assignment.

(c) Amount of payment; limitation

Upon approving an application under this section, the Director shall award the amount of assistance so approved, but in no event an amount greater than 20 percent of the cost of construction of the approved correctional facility project, and shall provide for payment to the applicant or, if designated by the applicant, any agency or instrumentality of the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of construction as the Director may determine. Funds paid under this subsection for the construction of an approved project shall be used solely for carrying out such project as so approved.

(d) Amendment of application; approval

An amendment of any application shall be subject to approval in the same manner as an original application.

(Pub. L. 90-351, title I, § 603, as added Pub. L. 98-473, title II, § 609, Oct. 12, 1984, 98 Stat. 2088; amended Pub. L. 103-322, title XXXIII, § 330001(h)(4), Sept. 13, 1994, 108 Stat. 2139.)

PRIOR PROVISIONS

A prior section 603 of Pub. L. 90-351 was renumbered section 503 and classified to section 3763 of this title. See note set out preceding section 3750 of this title.

AMENDMENTS

1994—Subsec. (a)(6). Pub. L. 103-322 substituted “section 3769d” for “section 3769c”.

§ 3769c. Recapture provisions

If, within 20 years after completion of any correctional facility project with respect to which assistance has been provided under this subchapter, such facility ceases to be operated as a correctional facility, the United States may recover from the recipient of such assistance any amount not to exceed 20 percent of the then current value of such project (but in no event an amount greater than the amount of assistance provided under this subchapter for such project), as determined by agreement with the parties or by action brought in the district court of the United States for the district in which such facility is situated.

(Pub. L. 90-351, title I, § 605, as added Pub. L. 98-473, title II, § 609, Oct. 12, 1984, 98 Stat. 2089; amended Pub. L. 103-322, title XXXIII, § 330001(h)(5), Sept. 13, 1994, 108 Stat. 2139.)

CODIFICATION

This section is based on section 605 of Pub. L. 90-351, as added by section 609 of Pub. L. 98-473. Section 609 of Pub. L. 98-473 added this subchapter consisting of sec-

tions 601 to 603, 605, and 606 of Pub. L. 90-351, and did not contain a section 604.

PRIOR PROVISIONS

A prior section 605 of Pub. L. 90-351 was renumbered section 505 and classified to section 3765 of this title. See note set out preceding section 3750 of this title.

AMENDMENTS

1994—Pub. L. 103-322 substituted “this subchapter” for “this section” after “has been provided under”.

§ 3769d. Clearinghouse on the construction and modernization of criminal justice facilities

(a) Functions; information

The Director shall provide for the operation of a clearinghouse on the construction and modernization of correctional facilities, which shall collect, prepare, and disseminate to the public and to interested State and local public agencies information, including recommendations, pertaining to the construction and modernization of correctional facilities. Such information shall include information regarding—

(1) new and innovative methods and advanced design that will stand as examples of technology for avoiding delay and reducing costs in correctional facility design, construction, and improvement;

(2) ways in which a construction planning program may be used to improve the administration of the criminal justice system within each State;

(3) recommended minimum standards concerning construction materials and methods, to be updated from time to time to reflect technological advances;

(4) the cost effectiveness of available construction materials, methods, and design technologies;

(5) the training of correctional facility personnel; and

(6) health and safety considerations in construction planning.

(b) Authority of Director

The Director is authorized to enter into contracts with private organizations and interagency agreements with the National Institute of Corrections, the National Institute of Justice, the Bureau of Justice Statistics, and other appropriate public agencies, to operate the clearinghouse required under this section.

(Pub. L. 90-351, title I, § 606, as added Pub. L. 98-473, title II, § 609, Oct. 12, 1984, 98 Stat. 2090; amended Pub. L. 103-322, title XXXIII, § 330001(h)(6), Sept. 13, 1994, 108 Stat. 2139.)

PRIOR PROVISIONS

A prior section 606 of Pub. L. 90-351 was renumbered section 506 and classified to section 3766 of this title. See note set out preceding section 3750 of this title.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “Justice Statistics” for “Justice and Statistics”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3769b of this title.

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

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3793 of this title.

§ 3771. Training and manpower development

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

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

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

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

(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Training for rural criminal justice personnel shall include, when appropriate, effective use of regional resources and methods to improve coordination among criminal justice personnel in different areas and in different levels of government. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, and other persons as the State or such unit may nominate for police training while such persons are actually employed as officers of such State or unit.

(b) General authority of Attorney General over Director

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

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

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

(Pub. L. 90-351, title I, § 701, as added Pub. L. 98-473, title II, § 609A(a), Oct. 12, 1984, 98 Stat. 2090.)

PRIOR PROVISIONS

A prior section 3771, Pub. L. 90-351, title I, § 701, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1198, contained Congressional statement of purpose for training and manpower development, prior to the general amendment of this subchapter by Pub. L. 98-473.

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

A prior section 701 of Pub. L. 90-351, title I, as added Pub. L. 94-430, § 2, Sept. 29, 1976, 90 Stat. 1346, provided for payments of Public safety officers' death benefits and was classified to former section 3796 of this title, prior to the general amendment of this chapter by Pub. L. 96-157.

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

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

Section 3772, Pub. L. 90-351, title I, § 702, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1198, provided for a program to train prosecuting attorneys.

A prior section 702 of Pub. L. 90-351, title I, as added Pub. L. 94-430, § 2, Sept. 29, 1976, 90 Stat. 1347, provided limits on the payment of public safety officers' death benefits and was classified to former section 3796a of this title, prior to the general amendment of this chapter by Pub. L. 96-157.

Section 3773, Pub. L. 90-351, title I, § 703, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1198, provided for a program to train State and local criminal justice personnel.

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

Section 3774, Pub. L. 90-351, title I, § 704, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1199, related to the training of State and local criminal justice personnel by the Federal Bureau of Investigation.

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

Section 3775, Pub. L. 90-351, title I, § 705, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1199; amended Pub. L. 96-88, title III, §§ 301(a)(1), 305, title V, § 507, Oct. 17, 1979, 93 Stat. 677, 680, 692, authorized a criminal justice education program.

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

EFFECTIVE DATE

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

ANNUAL OUTSTANDING STUDENT AWARD

Pub. L. 103-329, title I, Sept. 30, 1994, 108 Stat. 2383, provided in part: 'That the [Federal Law Enforcement Training] Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority'.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 103-123, title I, Oct. 28, 1993, 107 Stat. 1227.

Pub. L. 102-393, title I, Oct. 6, 1992, 106 Stat. 1730.

Pub. L. 102-141, title I, Oct. 28, 1991, 105 Stat. 835.

Pub. L. 101-509, title I, Nov. 5, 1990, 104 Stat. 1390.

Pub. L. 101-136, title I, Nov. 3, 1989, 103 Stat. 784.

TRAVEL AND SUBSISTENCE EXPENSES OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS ATTENDING MEETINGS, COURSES, ETC., AT FBI NATIONAL ACADEMY

Pub. L. 99-500, § 101(b) [title II], Oct. 18, 1986, 100 Stat. 1783-39, 1783-48, and Pub. L. 99-591, § 101(b) [title II], Oct.

30, 1986, 100 Stat. 3341-39, 3341-48, provided that: "Notwithstanding section 1345 of title 31, United States Code, funds made available to the Drug Enforcement Administration in any fiscal year may be used for travel, transportation, and subsistence expenses of State, county, and local law enforcement officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia."

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

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

SUBCHAPTER VIII—ADMINISTRATIVE PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3722, 3732, 13757 of this title.

§ 3781. Repealed. Pub. L. 98-473, title II, § 609B(a), Oct. 12, 1984, 98 Stat. 2091

Section, Pub. L. 90-351, title I, §801, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1201, related to establishment of Office of Justice Assistance, Research, and Statistics.

A prior section 3781, Pub. L. 90-351, title I, §601, June 19, 1968, 82 Stat. 209; 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 91-644, title I, §§6(b), 9, Jan. 2, 1971, 84 Stat. 1887, 1888; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 216; Pub. L. 94-503, title I, §129, Oct. 15, 1976, 90 Stat. 2424, defined the terms used in this subchapter, prior to the general amendment of this chapter by Pub. L. 96-157. See section 3791 of this title.

EFFECTIVE DATE OF REPEAL

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

§ 3782. Rules, regulations, and procedures; consultations and establishment

(a) General authorization of certain Federal agencies

The Office of Justice Programs, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purposes of this chapter.

(b) Continuing evaluation of selected programs or projects; cost, effectiveness, impact value, and comparative considerations; annual performance report; assessment of activity effectiveness; suspension of funds for nonsubmission of report

The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to subchapters V, XII-A, XII-B, XII-C, and XII-I of this chapter, in order to determine—

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

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

(3) their cost in relation to their effectiveness in achieving stated goals;

(4) their impact on communities and participants; and

(5) their implication for related programs.

In conducting evaluations described in this subsection, the Bureau of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants. The Bureau of Justice Assistance shall also require applicants under part A of subchapter V of this chapter to submit an annual performance report concerning activities carried out pursuant to part A of subchapter V of this chapter together with an assessment by the applicant of the effectiveness of those activities in achieving the purposes of section 3751 of this title and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pursuant to section 3753 of this title. The Bureau shall suspend funding for an approved application under part A of subchapter V of this chapter if an applicant fails to submit such an annual performance report.

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

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

(Pub. L. 90-351, title I, §801, formerly §802, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1201; renumbered §801 and amended Pub. L. 98-473, title II, §609B(b), Oct. 12, 1984, 98 Stat. 2091; Pub. L. 99-570, title I, §1552(b)(2), Oct. 27, 1986, 100 Stat. 3207-46; Pub. L. 101-647, title II, §241(b)(2), title VIII, §801(c)(1), Nov. 29, 1990, 104 Stat. 4813, 4826; Pub. L. 103-322, title IV, §40231(d)(1), title XXXIII, §330001(h)(7), Sept. 13, 1994, 108 Stat. 1934, 2139.)

PRIOR PROVISIONS

A prior section 801 of Pub. L. 90-351 was classified to section 3781 of this title prior to repeal by section 609B(a) of Pub. L. 98-473.

Another prior section 801 of Pub. L. 90-351, title III, June 19, 1968, 82 Stat. 211, is set out as a note under section 2510 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322, in introductory provisions substituted “subchapters” for “subchapters IV,” and “XII-C, and XII-I” for “and XII-C”, and in concluding provisions substituted “part A of subchapter V of this chapter” for “subchapter IV of this chapter” wherever appearing, “3751” for “3743(a)”, and “3753” for “3743”.

1990—Subsec. (b). Pub. L. 101-647, § 801(c)(1), substituted “XII-B, and XII-C” for “and XII-B”.

Pub. L. 101-647, § 241(b)(2), substituted “XII-A, and XII-B” for “and XII-A”.

1986—Subsec. (b). Pub. L. 99-570 inserted reference to subchapter XII-A of this chapter in introductory provisions.

1984—Subsec. (a). Pub. L. 98-473 in amending subsec. (a) generally, substituted “Office of Justice Programs” for “Office of Justice Assistance, Research, and Statistics” and “Bureau of Justice Assistance” for “Law Enforcement Assistance Administration” and also included authority for the Office of Juvenile Justice and Delinquency Prevention to establish rules, regulations, and procedures for exercise of its functions.

Subsec. (b). Pub. L. 98-473 in amending subsec. (b) generally, substituted “Bureau of Justice Assistance” for “Law Enforcement Assistance Administration” wherever appearing; provided for consultations with the Office of Juvenile Justice and Delinquency Prevention; and struck out provisions respecting rules, regulations, and procedures affecting national priority grant programs or projects; evaluations in addition to the requirements of former sections 3743 and 3744 of this title; and requirement for comparison of effectiveness of formula grant programs or projects of States or local units of government with similar national priority and discretionary grant programs or projects.

Subsec. (c). Pub. L. 98-473 in amending section generally, reenacted subsec. (c) without change.

EFFECTIVE DATE OF 1984 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5672 of this title.

§ 3783. Notice and hearing on denial or termination of grant**(a) Payments to recipients; limitation, reduction, or termination**

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

- (1) any provisions of this chapter;
- (2) any regulations or guidelines promulgated under this chapter; or
- (3) any application submitted in accordance with the provisions of this chapter, or the provisions of any other applicable Federal Act;

the Director involved shall, until satisfied that there is no longer any such failure to comply, terminate payments to the recipient under this

chapter, reduce payments to the recipient under this chapter by an amount equal to the amount of such payments which were not expended in accordance with this chapter, or limit the availability of payments under this chapter to programs, projects, or activities not affected by such failure to comply.

(b) Notice of action; reasons for action; hearing or investigation; finality of findings and determinations; reasons in detail for action without hearing

If any grant application submitted under part A of subchapter V of this chapter or under subchapter XII-A, XII-B, XII-C, or XII-I of this chapter has been denied, or any grant under this chapter has been terminated, then the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, as appropriate, shall notify the applicant of its action and set forth the reason for the action taken. Whenever such an applicant requests a hearing, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein. The Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics is authorized to take final action without a hearing if, after an administrative review of the denial of such application or termination of such grant, it is determined that the basis for the appeal, if substantiated, would not establish a basis for awarding or continuing of the grant involved. Under such circumstances, a more detailed statement of reasons for the agency action should be made available, upon request, to the applicant.

(c) Rehearing; regulations and procedures; presentation of additional information

If the applicant involved is dissatisfied with the findings and determinations of the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics following notice and hearing provided for in subsection (a) of this section, a request may be made for rehearing, under such regulations and procedure as the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

(Pub. L. 90-351, title I, § 802, formerly § 803, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1202; renumbered § 802 and amended Pub. L. 98-473, title II, § 609B(b), Oct. 12, 1984, 98 Stat. 2092; Pub. L. 99-570, title I, § 1552(b)(3), Oct. 27, 1986, 100 Stat. 3207-46; Pub. L. 101-647, title II, § 241(b)(3), title VIII, § 801(c)(2), Nov. 29, 1990, 104 Stat. 4813, 4826; Pub. L. 103-322, title IV, § 40231(d)(2), title XXXIII, § 330001(c), (h)(8), Sept. 13, 1994, 108 Stat. 1934, 2138, 2139.)

PRIOR PROVISIONS

A prior section 802 of Pub. L. 90-351 was renumbered section 801 and is classified to section 3782 of this title.

Another prior section 802 of Pub. L. 90-351, title III, June 19, 1968, 82 Stat. 212-223, enacted sections 2510 to 2520 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “part A of subchapter V of this chapter or under subchapter XII-A, XII-B, XII-C, or XII-I” for “subchapter IV, XII-A, XII-B, or XII-C”.

1990—Subsec. (b). Pub. L. 101-647, § 801(c)(2), substituted “, XII-B, or XII-C” for “or XII-B”.

Pub. L. 101-647, § 241(b)(3), substituted “, XII-A, or XII-B” for “or XII-A”.

1986—Subsec. (b). Pub. L. 99-570 inserted reference to subchapter XII-A of this chapter.

1984—Subsec. (a). Pub. L. 98-473 in amending subsec. (a) generally, included provision for finding of non-compliance by the Bureau of Justice Assistance and excluded similar provision for Law Enforcement Assistance Administration, substituted “the Director involved shall, until satisfied that there is no longer any such failure to comply,” for “they, until satisfied that there is no longer any such failure to comply, shall—”, and struck out designations “(A)” before “terminate payment”, “(B)” before “reduce payments”, and “(C)” before “limit the availability of payments”.

Subsec. (b). Pub. L. 98-473 in amending subsec. (b) generally, substituted “If any grant application submitted under subchapter IV of this chapter has been denied, or any grant under this chapter has been terminated” for “If a State grant application filed under subchapter IV of this chapter or any grant application filed under any other subchapter of this chapter has been rejected or a State applicant under subchapter IV of this chapter or applicant under any other subchapter of this chapter has been denied a grant or has had a grant, or any portion of a grant, discontinued, terminated or has been given a grant in a lesser amount that such applicant believes appropriate under the provisions of this chapter” struck out “or grantee” after “notify the applicant” and before “requests a hearing”; substituted requirement for notice by the Bureau of Justice Assistance rather than the Law Enforcement Assistance Administration; and inserted provisions for taking final action without hearing but requiring a more detailed statement of reasons for agency action to be made available to the applicant.

Subsec. (c). Pub. L. 98-473 in amending subsec. (c) generally, substituted provisions for findings and re-hearings by the Bureau of Justice Assistance for similar provisions for Law Enforcement Assistance Administration; and substituted description of the party as “applicant” for prior designation as “recipient”.

EFFECTIVE DATE OF 1984 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3785, 5633, 5675 of this title.

§ 3784. Finality of determinations

In carrying out the functions vested by this chapter in the Bureau of Justice Assistance, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all applications, except as otherwise provided herein.

(Pub. L. 90-351, title I, § 803, formerly § 804, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat.

1203; renumbered § 803 and amended Pub. L. 98-473, title II, § 609B(c), (f), Oct. 12, 1984, 98 Stat. 2093.)

PRIOR PROVISIONS

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

Another prior section 803 of Pub. L. 90-351, title III, June 19, 1968, 82 Stat. 223, amended section 605 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

AMENDMENTS

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

EFFECTIVE DATE OF 1984 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3785, 5633 of this title.

§ 3785. Appellate court review**(a) Jurisdiction of court of appeals; petition for review; time for filing, copies; record; objections before appropriate agency**

If any applicant or recipient is dissatisfied with a final action with respect to section 3783, 3784, or 3789d(c)(2)(G) of this title, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, as appropriate.

(b) Determination by court of appeals: conclusiveness of findings; remand; conclusiveness of new or modified findings

The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or

the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

(c) Determination by court of appeals; Supreme Court review

Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28.

(Pub. L. 90-351, title I, § 804, formerly § 805, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1203; renumbered § 804 and amended Pub. L. 98-473, title II, § 609B(d), (f), Oct. 12, 1984, 98 Stat. 2093; Pub. L. 103-322, title XXXIII, § 330001(h)(9), Sept. 13, 1994, 108 Stat. 2139.)

PRIOR PROVISIONS

A prior section 804 of Pub. L. 90-351 was renumbered section 803 and is classified to section 3784 of this title.

Another prior section 804 of Pub. L. 90-351, title III, June 19, 1968, 82 Stat. 223, was set out as a note under section 2510 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “Prevention, or” for “Prevention or” before “the Bureau”.

1984—Pub. L. 98-473, § 609B(d)(1), (2), substituted “Office of Justice Programs, Bureau of Justice Assistance” for “Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration” and inserted “the Office of Juvenile Justice and Delinquency Prevention,” before “or the National Institute of Justice” wherever appearing.

Subsec. (a). Pub. L. 98-473, § 609B(d)(3), made a conforming amendment to references to sections 3783, 3784, or 3789d(c)(2)(G) of this title to reflect renumbering of corresponding sections of the original act.

Subsec. (b). Pub. L. 98-473, § 609B(d)(4), inserted “the Office of Juvenile Justice and Delinquency Prevention” before “or the Bureau of Justice Statistics”.

EFFECTIVE DATE OF 1984 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3789d, 5633 of this title.

§ 3786. Delegation of functions

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

(Pub. L. 90-351, title I, § 805, as added Pub. L. 98-473, title II, § 609B(g), Oct. 12, 1984, 98 Stat. 2093.)

PRIOR PROVISIONS

A prior section 3786, Pub. L. 90-351, title I, § 806, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1204, contained provisions similar to this section, prior to repeal by section 609B(e) of Pub. L. 98-473.

A prior section 805 of Pub. L. 90-351 was renumbered section 804 and is classified to section 3785 of this title.

EFFECTIVE DATE

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

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

The Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, as shall be necessary to carry out their respective powers and duties under this chapter. The Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics or upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States they respectively may designate.

(Pub. L. 90-351, title I, § 806, as added Pub. L. 98-473, title II, § 609B(g), Oct. 12, 1984, 98 Stat. 2094.)

PRIOR PROVISIONS

A prior section 3787, Pub. L. 90-351, title I, § 807, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1204, contained provisions similar to this section, prior to repeal by section 609B(e) of Pub. L. 98-473.

A prior section 806 of Pub. L. 90-351 was classified to section 3786 of this title prior to repeal by section 609B(e) of Pub. L. 98-473.

Provisions similar to this section were contained in part in section 3788 of this title prior to repeal of such section by section 609B(e) of Pub. L. 98-473.

EFFECTIVE DATE

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5672 of this title.

§ 3788. Personnel and administrative authority**(a) Officers and employees of certain Federal agencies; employment; compensation**

The Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Institute, and the Director of the Bureau of Justice Statistics are authorized to select, appoint, employ, and fix compensation of such officers and employees as shall be necessary to carry out the powers and duties of the Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics, respectively, under this chapter.

(b) Use of available services; reimbursement

The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

(c) Other Federal agency performance of functions under this chapter; reimbursement

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

(d) Experts and consultants; compensation

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

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

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

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

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

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

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

(Pub. L. 90-351, title I, §807, as added Pub. L. 98-473, title II, §609B(g), Oct. 12, 1984, 98 Stat. 2094.)

REFERENCES IN TEXT

Provisions of title 5 relating to appointments, referred to in subsec. (c), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The Federal Advisory Committee Act, referred to in subsec. (e), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5.

The tort claim provisions of title 28, referred to in subsec. (g), are the provisions of the Federal Tort Claims Act, which is classified generally to section 1346(b) and to chapter 171 (§2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

PRIOR PROVISIONS

A prior section 3788, Pub. L. 90-351, title I, §810, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1204, contained in part provisions similar to subsec. (a) of this section, prior to repeal by section 609B(e) of Pub. L. 98-473.

A prior section 807 of Pub. L. 90-351 was classified to section 3787 of this title prior to repeal by section 609B(e) of Pub. L. 98-473.

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

EFFECTIVE DATE

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

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

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 3789. Title to personal property

Notwithstanding any other provision of law, title to all expendable and nonexpendable per-

sonal property purchased with funds made available under this chapter, including such property purchased with funds made available under this chapter as in effect before October 12, 1984, shall vest in the criminal justice agency or nonprofit organization that purchased the property if it certifies to the State office described in section 3757 or 3796aa-7¹ of this title, as the case may be, that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.

(Pub. L. 90-351, title I, § 808, as added Pub. L. 98-473, title II, § 609B(g), Oct. 12, 1984, 98 Stat. 2095; amended Pub. L. 99-570, title I, § 1552(b)(4), Oct. 27, 1986, 100 Stat. 3207-46; Pub. L. 101-647, title II, § 241(b)(4), Nov. 29, 1990, 104 Stat. 4813; Pub. L. 103-322, title XXXIII, § 330001(h)(10), Sept. 13, 1994, 108 Stat. 2139.)

REFERENCES IN TEXT

Section 3796aa-7 of this title, referred to in text, was repealed by Pub. L. 103-322, title IV, § 40156(c)(8), Sept. 13, 1994, 108 Stat. 1924.

PRIOR PROVISIONS

A prior section 3789, Pub. L. 90-351, title I, § 811, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1205, authorized use of available services, prior to repeal by section 609B(e) of Pub. L. 98-473. See section 3788(b) of this title.

A prior section 808 of Pub. L. 90-351, title I, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1204, amended section 5314 of Title 5, Government Organization and Employees, prior to repeal by section 609B(e) of Pub. L. 98-473.

AMENDMENTS

1994—Pub. L. 103-322 substituted “3757” for “3748, 3796o.”.

1990—Pub. L. 101-647 substituted “, 3796o, or 3796aa-7 of this title” for “or 3796o of this title”.

1986—Pub. L. 99-570 inserted reference to section 3796o of this title and “, as the case may be.”.

EFFECTIVE DATE

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

§§ 3789a to 3789c. Repealed. Pub. L. 98-473, title II, § 609B(e), Oct. 12, 1984, 98 Stat. 2093

Section 3789a, Pub. L. 90-351, title I, § 812, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1205, authorized consultations with other Federal, State, and local officials.

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

Section 3789c, Pub. L. 90-351, title I, § 814, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1205, provided for employment of services of experts and consultants and appointment of advisory committees. See section 3788(d) to (f) of this title.

EFFECTIVE DATE OF REPEAL

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

¹ See References in Text note below.

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

(a) General rule

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

(b) Racial imbalance requirement restriction

Notwithstanding any other provision of law, nothing contained in this chapter shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration—

(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this chapter of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this chapter to adopt such a ratio, system, or other program.

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

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

(2)(A) Whenever there has been—

(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency, to the effect that there has been a pattern or practice of discrimination in violation of paragraph (1); or

(ii) a determination after an investigation by the Office of Justice Programs (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination with respect to such program or activity, with funds made available under this chapter) that a State government or unit of local government is not in compliance with paragraph (1);

the Office of Justice Programs shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of local government is located, and the chief executive of such unit of local government, that such program or activity has been so found or determined not to be in compliance with paragraph (1), and shall request

each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of clause (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5 of title 5.

(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of local government), and by the Office of Justice Programs. On or prior to the effective date of the agreement, the Office of Justice Programs shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of local government) shall file semiannual reports with the Office of Justice Programs detailing the steps taken to comply with the agreement. These reports shall cease to be filed upon the determination of the Office of Justice Programs that compliance has been secured, or upon the determination by a Federal or State court that such State government or local governmental unit is in compliance with this section. Within fifteen days of receipt of such reports, the Office of Justice Programs shall send a copy thereof to each such complainant.

(C) If, at the conclusion of ninety days after notification under subparagraph (A)—

(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of local government; and

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

(D) Payment of the suspended funds shall resume only if—

(i) such State government or unit of local government enters into a compliance agreement approved by the Office of Justice Programs and the Attorney General in accordance with subparagraph (B);

(ii) such State government or unit of local government complies fully with the final order or judgment of a Federal or State court, or by

a Federal or State administrative agency if that order or judgment covers all the matters raised by the Office of Justice Programs in the notice pursuant to subparagraph (A), or is found to be in compliance with paragraph (1) by such court; or

(iii) after a hearing the Office of Justice Programs pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

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

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

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

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

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

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

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

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

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

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

(Pub. L. 90-351, title I, §809, formerly §815, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1206; renumbered §809 and amended Pub. L. 98-473, title II, §609B(f), (h)), Oct. 12, 1984, 98 Stat. 2093, 2095; Pub. L. 103-322, title XXXIII, §33001(h)(11), Sept. 13, 1994, 108 Stat. 2139.)

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 3766 of this title prior to the general amendment of this chapter by Pub. L. 96-157.

A prior section 809 of Pub. L. 90-351, title I, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1204, amended section 5315 of Title 5, Government Organization and

Employees, prior to repeal by section 609B(e) of Pub. L. 98-473.

AMENDMENTS

1994—Subsec. (c)(2)(H). Pub. L. 103-322 made technical amendment to reference to section 3785 of this title to correct reference to corresponding section of original act.

1984—Subsec. (a). Pub. L. 98-473, §609B(h)(2), struck out “contained” after “Nothing”.

Subsec. (c). Pub. L. 98-473, §609B(h)(3), substituted “Office of Justice Programs” for “Office of Justice Assistance, Research, and Statistics” wherever appearing.

EFFECTIVE DATE OF 1984 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3785, 5672, 10504 of this title.

§3789e. Report to President and Congress

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

(Pub. L. 90-351, title I, §810, formerly §816, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1209; renumbered §810 and amended Pub. L. 98-473, title II, §609B(f), (i), Oct. 12, 1984, 98 Stat. 2093, 2095.)

PRIOR PROVISIONS

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

AMENDMENTS

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

EFFECTIVE DATE OF 1984 AMENDMENT

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

§3789f. Other administrative provisions

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

Each recipient of funds under this chapter shall keep such records as the Office of Justice

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

(b) Access to records for audit and examination

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

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

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

(d) Recipients of assistance subject to provisions of section

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

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

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

(Pub. L. 90-351, title I, § 811, formerly § 817, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1212; renumbered § 811 and amended Pub. L. 98-473, title II, § 609B(f), (j), Oct. 12, 1984, 98 Stat.

2093, 2096; Pub. L. 103-322, title XXXIII, § 33001(h)(12), Sept. 13, 1994, 108 Stat. 2139.)

PRIOR PROVISIONS

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

AMENDMENTS

1994—Subsec. (e). Pub. L. 103-322 substituted “Bureau of Justice Assistance” for “Law Enforcement Assistance Administration”.

1984—Subsecs. (a), (b). Pub. L. 98-473, § 609B(j)(1), substituted “Office of Justice Programs” for “Office of Justice Assistance, Research, and Statistics” wherever appearing.

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

EFFECTIVE DATE OF 1984 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5672 of this title.

§ 3789g. Confidentiality of information

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

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

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

All criminal history information collected, stored, or disseminated through support under this chapter shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office of Justice Programs shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history infor-

mation concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this chapter, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

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

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

(d) Violations; fine as additional penalty

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

(Pub. L. 90-351, title I, §812, formerly §818, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1213; renumbered §812 and amended Pub. L. 98-473, title II, §609B(f), (k), Oct. 12, 1984, 98 Stat. 2093, 2096.)

PRIOR PROVISIONS

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

AMENDMENTS

1984—Subsecs. (b), (c). Pub. L. 98-473, 609B(k), substituted “Office of Justice Programs” for “Office of Justice Assistance, Research, and Statistics”.

EFFECTIVE DATE OF 1984 AMENDMENT

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3732, 5672, 10505 of this title.

§ 3789h. Repealed. Pub. L. 98-473, title II, § 609B(e), (l), Oct. 12, 1984, 98 Stat. 2093, 2096

Section, Pub. L. 90-351, title I, §819, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1213, authorized acceptance of voluntary services. See section 3788(g) of this title.

EFFECTIVE DATE OF REPEAL

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

§ 3789i. Administration of juvenile delinquency programs

The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the Office of Juvenile Justice and De-

linquency Prevention in developing and implementing programs in the juvenile justice and delinquency prevention field.

(Pub. L. 90-351, title I, §813, formerly §820, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1214; renumbered §813 and amended Pub. L. 98-473, title II, §609B(f), (m), Oct. 12, 1984, 98 Stat. 2093, 2096.)

PRIOR PROVISIONS

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

AMENDMENTS

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

EFFECTIVE DATE OF 1984 AMENDMENT

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

§ 3789j. Prohibition on land acquisition

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

(Pub. L. 90-351, title I, §814, formerly §821, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1214; renumbered §814, Pub. L. 98-473, title II, §609B(f), Oct. 12, 1984, 98 Stat. 2093.)

PRIOR PROVISIONS

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

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

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

(Pub. L. 90-351, title I, §815, formerly §822, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1214; renumbered §815, Pub. L. 98-473, title II, §609B(f), Oct. 12, 1984, 98 Stat. 2093.)

PRIOR PROVISIONS

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

§ 3789l. Indian liability waiver

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

(Pub. L. 90-351, title I, §816, formerly §823, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1214; renumbered §816 and amended Pub. L. 98-473, title II, §609B(f), (n), Oct. 12, 1984, 98 Stat. 2093, 2096.)

PRIOR PROVISIONS

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

AMENDMENTS

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

EFFECTIVE DATE OF 1984 AMENDMENT

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

§ 3789m. District of Columbia matching fund source

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

(Pub. L. 90-351, title I, § 817, formerly § 824, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1214; renumbered § 817, Pub. L. 98-473, title II, § 609B(f), Oct. 12, 1984, 98 Stat. 2093.)

PRIOR PROVISIONS

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

§ 3789n. Limitation on civil justice matters

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

(Pub. L. 90-351, title I, § 818, formerly § 825, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1214; renumbered § 818, Pub. L. 98-473, title II, § 609B(f), Oct. 12, 1984, 98 Stat. 2093.)

PRIOR PROVISIONS

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

§ 3789o. Repealed. Pub. L. 98-473, title II, § 609B(e), Oct. 12, 1984, 98 Stat. 2093

Section, Pub. L. 90-351, title I, § 826, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1214, required reimbursement of Federal assistance for unused equipment.

SUBCHAPTER IX—DEFINITIONS

§ 3791. General provisions**(a) Definitions**

As used in this chapter—

(1) “criminal justice” means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, super-

vision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

(2) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands: *Provided*, That for the purpose of section 3756(a) of this title, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one state¹ and that for these purposes 67 per centum of the amounts allocated shall be allocated to American Samoa, and 33 per centum to the Commonwealth of the Northern Mariana Islands.²

(3) “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and the Trust Territory of the Pacific Islands;

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

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

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

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

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

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

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

(11) “neighborhood or community-based organizations” means organizations which are

¹ So in original. Probably should be capitalized.

² So in original. The period probably should be a semicolon.

representative of communities or significant segments of communities;

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

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

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

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

(16) "court of last resort" means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean the highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term "court of last resort" the term "court" means a tribunal recognized as a part of the judicial branch of a State or of its local government units;

(17) "institution of higher education" means any such institution as defined by section 1141(a) of title 20, subject, however, to such modifications and extensions as the Office may determine to be appropriate;

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

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

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

(21) "high probability of improving the criminal justice system" means that a prudent assessment of the concepts and implementation plans included in a proposed program, project, approach, or practice, together with an assessment of the problem to which it is addressed and of data and information bearing on the problem, concept, and implementa-

tion plan, provides strong evidence that the proposed activities would result in identifiable improvements in the criminal justice system if implemented as proposed;

(22) "correctional option" includes community-based incarceration, weekend incarceration, boot camp prison, electronic monitoring of offenders, intensive probation, and any other innovative punishment designed to have the greatest impact on offenders who can be punished more effectively in an environment other than a traditional correctional facility;

(23) "boot camp prison" includes a correctional facility in which inmates are required to participate in a highly regimented program that provides strict discipline, physical training, and hard labor, together with extensive rehabilitative activities and with educational, job training, and drug treatment support;

(24) the term "young offender" means a non-violent first-time offender or a non-violent offender with a minor criminal record who is 22 years of age or younger (including juveniles); and

(25) the term "residential substance abuse treatment program" means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.

(b) Data basis for definitions; reflection of technical changes or modifications

Where appropriate, the definitions in subsection (a) of this section shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Office may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) of this section in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) Designation of public agencies for undertaking a program or project

One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of local government to undertake a program or project in whole or in part.

(Pub. L. 90-351, title I, §901, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1216; amended Pub. L. 98-473, title II, §609C, Oct. 12, 1984, 98 Stat. 2096; Pub. L. 99-396, §7, Aug. 27, 1986, 100 Stat. 839; Pub. L. 100-690, title VI, §6092(b), Nov. 18, 1988, 102 Stat. 4339; Pub. L. 101-219, title II, §206, Dec. 12, 1989, 103 Stat. 1874; Pub. L. 101-647, title XVIII, §1801(c), Nov. 29, 1990, 104 Stat. 4849; Pub. L. 103-322, title II, §20201(c), title III, §32101(c), title XXXIII, §330001(d), (h)(13), Sept. 13, 1994, 108 Stat. 1822, 1900, 2138, 2140.)

PRIOR PROVISIONS

A prior section 3791 of this title, Pub. L. 90-351, title I, §651, as added Pub. L. 91-644, title I, §10, Jan. 2, 1971, 84 Stat. 1889; amended Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 218, related to embezzlement, theft, and fraud, prior to the general amendment of this chapter by Pub. L. 96-157. See section 3795 of this title.

A prior section 901 of Pub. L. 90-351, title IV, June 19, 1968, 82 Stat. 225, was classified as a note under section 921 of Title 18, Crimes and Criminal Procedure.

A prior section 3792 of this title, Pub. L. 90-351, title I, §652, as added Pub. L. 91-644, title I, §10, Jan. 2, 1971, 84 Stat. 1889; amended Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 218, related to fraudulent and false statements or entries, prior to the general amendment of this chapter by Pub. L. 96-157. See section 3795a of this title.

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103-322, §330001(h)(13), substituted “Columbia, and” for “Columbia and.”.

Subsec. (a)(21). Pub. L. 103-322, §§20201(c)(1), 330001(d), amended par. (21) identically, inserting a semicolon at end.

Subsec. (a)(22). Pub. L. 103-322, §20201(c)(2), struck out “and” at end.

Subsec. (a)(23). Pub. L. 103-322, §32101(c)(1), which directed the striking out of “and” at end of par. (23), could not be executed because the word “and” did not appear at end of par. (23).

Pub. L. 103-322, §20201(c)(3), substituted a semicolon for period at end.

Subsec. (a)(24). Pub. L. 103-322, §32101(c)(2), substituted “; and” for period at end.

Pub. L. 103-322, §20201(c)(4), added par. (24).

Subsec. (a)(25). Pub. L. 103-322, §32101(c)(3), added par. (25).

1990—Subsec. (a)(22), (23). Pub. L. 101-647 added pars. (22) and (23).

1989—Subsec. (a)(2). Pub. L. 101-219 substituted “Provided, That for the purpose of section 3756(a) of this title, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one state and that for these purposes 67 per centum of the amounts allocated shall be allocated to American Samoa, and 33 per centum to the Commonwealth of the Northern Mariana Islands.” for “Provided, That for the purposes of section 3756(a) of this title American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for these purposes, 33 per centum of the amounts allocated shall be allocated to American Samoa, 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands.”.

1988—Subsec. (a)(2). Pub. L. 100-690 substituted “section 3756(a)” for “section 3747(a)”.

1986—Subsec. (a)(2). Pub. L. 99-396, §7(1), included American Samoa, Guam, and the Northern Mariana Islands in definition of “State” and inserted proviso directing that for purposes of section 3747(a) of this title American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State.

Subsec. (a)(3). Pub. L. 99-396, §7(2), substituted “and” for “, Guam, American Samoa” after “in and for the District of Columbia” and struck out “, or the Commonwealth of the Northern Mariana Islands” after “Trust Territory of the Pacific Islands”.

1984—Subsec. (a)(2). Pub. L. 98-473, §609C(b)(1), struck out references to Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

Subsec. (a)(3). Pub. L. 98-473, §609C(b)(2), inserted references to Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

Subsec. (a)(4). Pub. L. 98-473, §609C(b)(3), extended definition of “construction” to include renovation, repairs, and remodeling and struck out previous exclusion of such items from definition.

Subsec. (a)(7). Pub. L. 98-473, §609C(b)(4), substituted “correctional facility” for “correctional institution or facility”.

Subsec. (a)(8). Pub. L. 98-473, §609C(b)(5), substituted definition of “correctional facility project” for “comprehensive”.

Subsec. (a)(13). Pub. L. 98-473, §609C(b)(6), substituted definition of “cost of construction” for “municipality”.

Subsecs. (a)(17), (b). Pub. L. 98-473, §609C(a), substituted “Office” for “Administration”.

EFFECTIVE DATE OF 1984 AMENDMENT

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

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SUBCHAPTER X—FUNDING

§ 3793. Authorization of appropriations

(a)(1) There is authorized to be appropriated \$30,000,000 for fiscal year 1992 and \$33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the Bureau of Justice Statistics.

(2) There is authorized to be appropriated \$30,000,000 for fiscal year 1992 and \$33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the National Institute of Justice.

(3) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and \$28,000,000 for each of the fiscal years 1994 and 1995 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance other than functions under subchapters IV, V, VI, VII, XII, XII-A, XII-B, XII-C, XII-D, XII-E, XII-F, XII-G, XII-H, XII-I, XII-J, XII-K, and XII-L of this chapter.

(4) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out subchapter XII of this chapter.

(5) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and \$1,000,000,000 for each of the fiscal years 1994 and 1995 to carry out the programs under subchapters IV and V (other than subpart 2 of part B)¹ (other than subpart 2 of part B of subchapter V) of this chapter.

(6) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, \$245,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year² 1994 and 1995 to carry out subpart 2 of part B of subchapter V of this chapter.

(7) There are authorized to be appropriated to carry out subchapter XII-B of this chapter—

- (A) \$250,000 for fiscal year 1996;
- (B) \$1,000,000 for fiscal year 1997;
- (C) \$1,000,000 for fiscal year 1998;
- (D) \$1,000,000 for fiscal year 1999; and
- (E) \$1,000,000 for fiscal year 2000.

(8) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, \$16,500,000 for fiscal year 1993, and such

¹ So in original. Phrase “(other than subpart 2 of part B)” probably should not appear.

² So in original. Probably should be “years”.

sums as may be necessary for fiscal year² 1994 and 1995.

(9) There are authorized to be appropriated to carry out subchapter XII-C of this chapter—

- (A) \$24,000,000 for fiscal year 1996;
- (B) \$40,000,000 for fiscal year 1997;
- (C) \$50,000,000 for fiscal year 1998;
- (D) \$60,000,000 for fiscal year 1999; and
- (E) \$66,000,000 for fiscal year 2000.

(10) There are³ authorized to be appropriated \$10,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out projects under subchapter XII-D of this chapter.

(11)(A) There are authorized to be appropriated to carry out subchapter XII-E of this chapter, to remain available until expended—

- (i) \$1,332,000,000 for fiscal year 1995;
- (ii) \$1,850,000,000 for fiscal year 1996;
- (iii) \$1,950,000,000 for fiscal year 1997;
- (iv) \$1,700,000,000 for fiscal year 1998;
- (v) \$1,700,000,000 for fiscal year 1999; and
- (vi) \$268,000,000 for fiscal year 2000.

(B) Of funds available under subchapter XII-E of this chapter in any fiscal year, up to 3 percent may be used for technical assistance under section 3796dd(f) of this title or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of subchapter XII-E of this chapter. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and private entities that serve areas with populations 150,000 or less. Of the funds available in relation to grants under subchapter XII-E of this chapter, at least 85 percent shall be applied to grants for the purposes specified in section 3796dd(b) of this title, and no more than 15 percent may be applied to other grants in furtherance of the purposes of subchapter XII-E of this chapter. In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under subchapter XII-E of this chapter shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.

(16)⁴ There are authorized to be appropriated to carry out projects under subchapter XII-F of this chapter—

- (A) \$20,000,000 for fiscal year 1996;
- (B) \$25,000,000 for fiscal year 1997;
- (C) \$30,000,000 for fiscal year 1998;
- (D) \$35,000,000 for fiscal year 1999; and
- (E) \$40,000,000 for fiscal year 2000.

(17) There are authorized to be appropriated to carry out the projects under subchapter XII-G of this chapter—

- (A) \$27,000,000 for fiscal year 1996;
- (B) \$36,000,000 for fiscal year 1997;

(C) \$63,000,000 for fiscal year 1998;

(D) \$72,000,000 for fiscal year 1999; and

(E) \$72,000,000 for fiscal year 2000.

(18) There are authorized to be appropriated to carry out subchapter XII-H of this chapter—

- (A) \$26,000,000 for fiscal year 1995;
- (B) \$130,000,000 for fiscal year 1996;
- (C) \$145,000,000 for fiscal year 1997;
- (D) \$160,000,000 for fiscal year 1998;
- (E) \$165,000,000 for fiscal year 1999; and
- (F) \$174,000,000 for fiscal year 2000.

(19) There are authorized to be appropriated to carry out subchapter XII-I of this chapter—

- (A) \$28,000,000 for fiscal year 1996;
- (B) \$33,000,000 for fiscal year 1997; and
- (C) \$59,000,000 for fiscal year 1998.

(20) There are authorized to be appropriated to carry out subchapter XII-J of this chapter—

- (A) \$100,000,000 for fiscal year 1995;
- (B) \$150,000,000 for fiscal year 1996;
- (C) \$150,000,000 for fiscal year 1997;
- (D) \$200,000,000 for fiscal year 1998;
- (E) \$200,000,000 for fiscal year 1999; and
- (F) \$200,000,000 for fiscal year 2000.

(21) There are authorized to be appropriated to carry out subchapter XII-K of this chapter—

- (1) \$2,500,000 for fiscal year 1996;
- (2) \$4,000,000 for fiscal year 1997;
- (3) \$5,000,000 for fiscal year 1998;
- (4) \$6,000,000 for fiscal year 1999; and
- (5) \$7,500,000 for fiscal year 2000.

(22) There are authorized to be appropriated to carry out subchapter XII-L of this chapter—

- (1) \$1,000,000 for fiscal year 1996;
- (2) \$3,000,000 for fiscal year 1997;
- (3) \$5,000,000 for fiscal year 1998;
- (4) \$13,500,000 for fiscal year 1999; and
- (5) \$17,500,000 for fiscal year 2000.

(b) Funds appropriated for any fiscal year may remain available for obligation until expended.

(c) Notwithstanding any other provision of law, no funds appropriated under this section for subchapter V of this chapter may be transferred or reprogrammed for carrying out any activity which is not authorized under such subchapter.

(Pub. L. 90-351, title I, §1001, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1218; amended Pub. L. 98-473, title II, §609D(a), Oct. 12, 1984, 98 Stat. 2097; Pub. L. 99-570, title I, §1552(c), Oct. 27, 1986, 100 Stat. 3207-46; Pub. L. 100-690, title VI, §6093, Nov. 18, 1988, 102 Stat. 4339; Pub. L. 101-647, title II, §241(c), title VIII, §801(b), title XVIII, §1801(e), title XXVIII, §2801, Nov. 29, 1990, 104 Stat. 4814, 4826, 4849, 4912; Pub. L. 102-521, §4(c), Oct. 25, 1992, 106 Stat. 3406; Pub. L. 102-534, §1, Oct. 27, 1992, 106 Stat. 3524; Pub. L. 103-322, title I, §10003(c), title II, §20201(d), title III, §32101(d), title IV, §§40121(c), 40156(c)(1), 40231(c), title V, §50001(c), title XVIII, §180101(a), title XXI, §§210201(c), 210302(c)(3), 210601, title XXXIII, §330001(b)(3), (h)(14), Sept. 13, 1994, 108 Stat. 1814, 1823, 1901, 1916, 1923, 1934, 1958, 2045, 2064, 2068, 2073, 2138, 2140.)

PRIOR PROVISIONS

A prior section 3793, Pub. L. 90-351, title I, §653, as added Pub. L. 91-644, title I, §10, Jan. 2, 1971, 84 Stat. 1889; amended Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 218,

² So in original. Probably should be "is".

⁴ So in original. No pars. (12) to (15) have been enacted.

subjected the operation of the law enforcement and criminal justice program under this chapter to section 371 of Title 18, Crimes and Criminal Procedure, prior to the general amendment of this chapter by Pub. L. 96-157. See section 3795b of this title.

A prior section 1001 of Pub. L. 90-351, title V, June 19, 1968, 82 Stat. 235, enacted section 7313 of Title 5, Government Organization and Employees.

AMENDMENTS

1994—Subsec. (a)(1), (2). Pub. L. 103-322, § 210601(1), (2), substituted “1994 and 1995” for “1993 and 1994”.

Subsec. (a)(3). Pub. L. 103-322, § 210601(3), substituted “1994 and 1995” for “1993 and 1994”.

Pub. L. 103-322, § 210302(c)(3)(A), which directed the substitution of “XII-K, and XII-L” for “and XII-K” in par. (3) of this section, was executed by making the substitution in par. (3) of subsec. (a) to reflect the probable intent of Congress.

Pub. L. 103-322, § 210201(c)(1), substituted “XII-J, and XII-K” for “and XII-J”.

Pub. L. 103-322, § 50001(c)(1), substituted “XII-I, and XII-J” for “and XII-I”.

Pub. L. 103-322, § 40231(c)(1), substituted “XII-H, and XII-I” for “and XII-H”.

Pub. L. 103-322, § 40121(c)(1), which directed the substitution of “XII-G, and XII-H” for “and XII-G”, was executed by making the substitution for “or XII-G”, to reflect the probable intent of Congress. See below.

Pub. L. 103-322, § 32101(d)(1), which directed the substitution of “XII-F, or XII-G” for “and XII-F”, was executed by making the substitution for “or XII-F” to reflect the probable intent of Congress. See below.

Pub. L. 103-322, § 20201(d)(1), substituted “XII-E, or XII-F” for “and XII-E”.

Pub. L. 103-322, § 10003(c)(1), substituted “XII-C, XII-D, and XII-E” for “and XII-C”.

Subsec. (a)(5). Pub. L. 103-322, § 330001(b)(3), inserted “(other than subpart 2 of part B)” after “and V”.

Pub. L. 103-322, § 210601(4), substituted “1994 and 1995” for “1993 and 1994”.

Subsec. (a)(6). Pub. L. 103-322, § 210601(5), inserted “and 1995” after “1994”.

Subsec. (a)(7). Pub. L. 103-322, § 210601(6), which directed the substitution of “1994 and 1995” for “1991, 1992, 1993, and 1994,” could not be executed because “1991, 1992, 1993, and 1994,” did not appear in text of par. (7). See below.

Pub. L. 103-322, § 40156(c)(1), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “There is authorized to be appropriated \$25,000,000 for each of the fiscal years 1992, 1993, and 1994 to carry out the programs under subchapter XII-B of this chapter.”

Subsec. (a)(8). Pub. L. 103-322, § 210601(7), inserted “and 1995” after “1994”.

Subsec. (a)(9). Pub. L. 103-322, § 210601(8), which directed the insertion of “and 1995” after “1994”, could not be executed because “1994” did not appear in text subsequent to amendment by Pub. L. 103-322, § 180101(a). See below.

Pub. L. 103-322, § 180101(a), amended par. (9) generally. Prior to amendment, par. (9) read as follows: “There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, \$22,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 to carry out subchapter XII-C of this chapter.”

Subsec. (a)(11). Pub. L. 103-322, § 10003(c)(2), added par. (11).

Subsec. (a)(16). Pub. L. 103-322, § 20201(d)(2), added par. (16).

Subsec. (a)(17). Pub. L. 103-322, § 32101(d)(2), added par. (17).

Subsec. (a)(18). Pub. L. 103-322, § 40121(c)(2), added par. (18).

Subsec. (a)(19). Pub. L. 103-322, § 40231(c)(2), added par. (19).

Subsec. (a)(20). Pub. L. 103-322, § 50001(c)(2), added par. (20).

Subsec. (a)(21). Pub. L. 103-322, § 210201(c)(2), added par. (21).

Subsec. (a)(22). Pub. L. 103-322, § 210302(c)(3)(B), which directed amendment of this section by adding at the end a new par. (22), was executed by adding par. (22) at the end of subsec. (a) to reflect the probable intent of Congress.

Subsec. (c). Pub. L. 103-322, § 330001(h)(14), substituted “such subchapter” for “such subchapters”.

1992—Subsec. (a)(1). Pub. L. 102-534, § 1(2), substituted “fiscal year 1992 and \$33,000,000 for each of the fiscal years 1993 and 1994” for “each of the fiscal years 1989, 1990, 1991, and 1992”.

Subsec. (a)(2). Pub. L. 102-534, § 1(3), substituted “fiscal year 1992 and \$33,000,000 for each of the fiscal years 1993 and 1994” for “each of the fiscal years 1989, 1990, 1991, and 1992”.

Subsec. (a)(3). Pub. L. 102-534, § 1(4), substituted “such sums as may be necessary for fiscal year 1992 and \$28,000,000 for each of the fiscal years 1993 and 1994 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance other than functions under subchapters IV, V, VI, VII, XII, XII-A, XII-B, and XII-C of this chapter” for “\$25,500,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assistance, other than functions under subchapters IV, V, VI, VII, XII, XII-A, and XII-B of this chapter”.

Subsec. (a)(5). Pub. L. 102-534, § 1(5), substituted “such sums as may be necessary for fiscal year 1992 and \$1,000,000,000 for each of the fiscal years 1993 and 1994 to carry out the programs under subchapters IV and V (other than subpart 2 of part B of subchapter V)” for “\$900,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal year 1992 to carry out the programs under subchapters IV and V”.

Subsec. (a)(6). Pub. L. 102-534, § 1(6), substituted “such sums as may be necessary for fiscal year 1992, \$245,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994” for “\$220,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal year 1992”.

Subsec. (a)(7). Pub. L. 102-534, § 1(7), substituted “1992, 1993, and 1994” for “1991, 1992, and 1993”.

Pub. L. 102-521, § 4(c)(1), and Pub. L. 102-534, § 1(1), amended subsec. (a) identically, redesignating par. (6), relating to authorization of appropriations for subchapter XII-B of this chapter, as (7). Former pars. (7) redesignated (8) and (9).

Subsec. (a)(8). Pub. L. 102-534, § 1(8), substituted “such sums as may be necessary for fiscal year 1992, \$16,500,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994” for “\$15,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992 to carry out the programs under subchapter XII-A of this chapter”.

Pub. L. 102-521, § 4(c)(1), and Pub. L. 102-534, § 1(1), amended subsec. (a) identically, redesignating par. (7), relating to authorization of appropriations for subchapter XII-A of this chapter, as (8).

Subsec. (a)(9). Pub. L. 102-534, § 1(9)(C), which directed the amendment of subsec. (a)(9) by substituting “such subchapter” for “such subchapters” in “subsection (c)”, could not be executed because “such subchapters” did not appear in text of subsec. (a)(9).

Pub. L. 102-534, § 1(9)(A), (B), substituted “such sums as may be necessary for fiscal year 1992, \$22,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994” for “\$20,000,000 for fiscal year 1991, and such sums as may be necessary for fiscal years 1992 and 1993”.

Pub. L. 102-521, § 4(c)(1), and Pub. L. 102-534, § 1(1), amended subsec. (a) identically, redesignating par. (7), relating to authorization of appropriations for subchapter XII-C of this chapter, as (9).

Subsec. (a)(10). Pub. L. 102-521, § 4(c)(2), added par. (10).

1990—Subsec. (a)(3). Pub. L. 101-647, § 241(c)(1)(A), substituted “XII-A, and XII-B” for “and XII-A”.

Subsec. (a)(5). Pub. L. 101-647, § 2801, amended par. (5) generally. Prior to amendment, par. (5) read as follows:

“There are authorized to be appropriated \$275,000,000 for fiscal year 1989; \$350,000,000 for fiscal year 1990; \$400,000,000 for fiscal year 1991; and such sums as may be necessary for fiscal year 1992 to carry out the programs under subchapters IV and V of this chapter.”

Subsec. (a)(6). Pub. L. 101-647, §1801(e), added par. (6) relating to authorization of appropriations for subpart 2 of part B of subchapter V of this chapter.

Pub. L. 101-647, §241(c)(1)(C), added par. (6) relating to authorization of appropriations for subchapter XII-B of this chapter. Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 101-647, §801(b), added par. (7) relating to authorization of appropriations for subchapter XII-C of this chapter.

Pub. L. 101-647, §241(c)(1)(B), redesignated par. (6), relating to authorization of appropriations for subchapter XII-A of this chapter, as (7).

Subsec. (b). Pub. L. 101-647, §241(c)(2), which directed substitution of “XII-A, and XII-B” for “and XII-A”, could not be executed because the words “and XII-A” did not appear.

1988—Pub. L. 100-690 amended section generally, substituting provisions authorizing appropriations for fiscal years 1989 through 1992 for provisions authorizing appropriations for fiscal years 1984 through 1988.

1986—Subsec. (a)(3). Pub. L. 99-570, §1552(c)(1)(A), inserted reference to subchapter XII-A of this chapter.

Subsec. (a)(6), (7). Pub. L. 99-570, §1552(c)(1)(B), (C), added par. (6) and redesignated former par. (6) as (7).

Subsec. (b). Pub. L. 99-570, §1552(c)(2), inserted reference to subchapter XII-A of this chapter.

1984—Pub. L. 98-473, in amending section generally, designated existing provisions as subsec. (a), substituted appropriations authorization of necessary sums for fiscal years 1984 through 1988 for authorizations for fiscal years ending Sept. 30, 1980, through 1983, struck out provisions authorizing appropriations for subchapter VIII and for carrying out remaining functions of the Law Enforcement Assistance Administration, and added subsec. (b).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 210302(c)(3) of Pub. L. 103-322 effective 60 days after Sept. 13, 1994, see section 210302(c)(4) of Pub. L. 103-322, set out as a note under section 3751 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

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

FINANCIAL SUPPORT FOR PROGRAMS, ETC., DEVOTED TO INTERNATIONAL ASPECTS OF CRIME PREVENTION AND CRIMINAL JUSTICE

Pub. L. 96-132, §20(a), Nov. 30, 1979, 93 Stat. 1049, provided that: “The National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized to use funds, and to authorize States to use funds, for programs, projects or events devoted to the international aspects of crime prevention and criminal justice.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796dd of this title.

§§ 3793a, 3793b. Repealed. Pub. L. 98-473, title II, § 609D(b), Oct. 12, 1984, 98 Stat. 2097

Section 3793a, Pub. L. 90-351, title I, §1002, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1218, required maintenance of a fund for juvenile delinquency programs consisting of minimum of 19.15 per centum of the appropriations each fiscal year for this chapter.

A prior section 1002 of Pub. L. 90-351, title V, June 19, 1968, 82 Stat. 235, was classified as a note under section 7313 of Title 5, Government Organization and Employees.

Section 3793b, Pub. L. 90-351, title I, §1003, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1219, authorized annual appropriations of \$25,000,000 for fiscal years ending Sept. 30, 1980, through 1983, for Office of Community Anti-Crime Programs.

EFFECTIVE DATE OF REPEAL

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

SUBCHAPTER XI—CRIMINAL PENALTIES

§ 3795. Misuse of Federal assistance

Whoever embezzles, willfully misappropriates, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this chapter, whether received directly or indirectly from the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, or whoever receives, conceals, or retains such funds, assets or property with intent to convert such funds, assets or property to his use or gain, knowing such funds, assets, or property has been embezzled, willfully misappropriated, stolen or obtained by fraud, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

(Pub. L. 90-351, title I, §1101, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1219; amended Pub. L. 98-473, title II, §609E(a), Oct. 12, 1984, 98 Stat. 2097.)

PRIOR PROVISIONS

A prior section 3795, Pub. L. 90-351, title I, §670, as added Pub. L. 91-644, title I, §12, Jan. 2, 1971, 84 Stat. 1889; amended Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 218, related to reports to Congress and President, prior to the general amendment of this chapter by Pub. L. 96-157. See section 3789e of this title.

A prior section 1101 of Pub. L. 90-351, title VI, June 19, 1968, 82 Stat. 236, was classified as a note under section 532 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1984—Pub. L. 98-473 substituted “Office of Justice Programs, Bureau of Justice Assistance” for “Law Enforcement Assistance Administration”.

EFFECTIVE DATE OF 1984 AMENDMENT

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

§ 3795a. Falsification or concealment of facts

Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this chapter or in any records required to be maintained pursuant to this chapter shall be subject to prosecution under the provisions of section 1001 of title 18.

(Pub. L. 90-351, title I, §1102, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1219.)

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 3792 of this title prior to the general amendment of this chapter by Pub. L. 96-157.

§ 3795b. Conspiracy to commit offense against United States

Any law enforcement or criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this chapter, whether received directly or indirectly from the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be subject to the provisions of section 371 of title 18.

(Pub. L. 90-351, title I, §1103, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1219; amended Pub. L. 98-473, title II, §609E(b), Oct. 12, 1984, 98 Stat. 2098.)

PRIOR PROVISIONS

Provisions similar to this section were contained in former section 3793 of this title prior to the general amendment of this chapter by Pub. L. 96-157.

AMENDMENTS

1984—Pub. L. 98-473 substituted “Office of Justice Programs, Bureau of Justice Assistance” for “Law Enforcement Assistance Administration”.

EFFECTIVE DATE OF 1984 AMENDMENT

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

SUBCHAPTER XII—PUBLIC SAFETY OFFICERS’ DEATH BENEFITS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3793 of this title.

§ 3796. Payment of death benefits

(a) Amount; recipients

In any case in which the Bureau of Justice Assistance (hereinafter in this subchapter referred to as the “Bureau”) determines, under regulations issued pursuant to this subchapter, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Bureau shall pay a benefit of \$100,000, adjusted in accordance with subsection (h) of this section, as follows:

- (1) if there is no surviving child of such officer, to the surviving spouse of such officer;
- (2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;
- (3) if there is no surviving spouse, to the child or children of such officer in equal shares; or
- (4) if none of the above, to the parent or parents of such officer in equal shares.

(b) Benefits for permanent and total disability

In accordance with regulations issued pursuant to this subchapter, in any case in which the Bureau determines that a public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty, the Bureau shall pay, to the extent that appropriations are provided, the same benefit in any year that is payable under subsection (a) of this section in such year,

adjusted in accordance with subsection (h) of this section, to such officer: *Provided*, That the total annual benefits paid under this subsection may not exceed \$5,000,000. For the purposes of making these benefit payments, there are authorized to be appropriated for each fiscal year such sums as may be necessary: *Provided further*, That these benefit payments are subject to the availability of appropriations and that each beneficiary’s payment shall be reduced by a proportionate share to the extent that sufficient funds are not appropriated.

(c) Interim benefit payment

Whenever the Bureau determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Bureau may make an interim benefit payment not exceeding \$3,000 to the individual entitled to receive a benefit under subsection (a) of this section.

(d) Deduction of interim payment

The amount of an interim payment under subsection (c) of this section shall be deducted from the amount of any final benefit paid to such individual.

(e) Repayment of interim payment; waiver

Where there is no final benefit paid, the recipient of any interim payment under subsection (c) of this section shall be liable for repayment of such amount. The Bureau may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

(f) Reductions from final benefit payment

The benefit payable under this subchapter shall be in addition to any other benefit that may be due from any other source, except—

(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-622); or

(2) benefits authorized by section 8191 of title 5. Such beneficiaries shall only receive benefits under such section 8191 that are in excess of the benefits received under this subchapter.

(g) Execution or attachment prohibited

No benefit paid under this subchapter shall be subject to execution or attachment.

(h) Consumer Price Index adjustment

On October 1 of each fiscal year beginning after June 1, 1988, the Bureau shall adjust the level of the benefit payable immediately before such October 1 under subsection (a) of this section, to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, occurring in the 1-year period ending on June 1 immediately preceding such October 1.

(i) Amount payable determined as of date of death

The amount payable under subsection (a) of this section with respect to the death of a public safety officer shall be the amount payable under subsection (a) of this section as of the date of death of such officer.

(j) Limitations on benefits

(1) No benefit is payable under this subchapter with respect to the death of a public safety officer if a benefit is paid under this subchapter with respect to the disability of such officer.

(2) No benefit is payable under this subchapter with respect to the disability of a public safety officer if a benefit is payable under this subchapter with respect to the death of such public safety officer.

(Pub. L. 90-351, title I, §1201, as added Pub. L. 98-473, title II, §609F, Oct. 12, 1984, 98 Stat. 2098; amended Pub. L. 100-690, title VI, §6105(a)-(c), Nov. 18, 1988, 102 Stat. 4341; Pub. L. 101-647, title XIII, §1301(a), Nov. 29, 1990, 104 Stat. 4834; Pub. L. 102-520, §1, Oct. 25, 1992, 106 Stat. 3402; Pub. L. 103-322, title XXXIII, §330001(e)(1), Sept. 13, 1994, 108 Stat. 2138.)

PRIOR PROVISIONS

A prior section 3796, Pub. L. 90-351, title I, §1201, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1219; amended Pub. L. 98-411, title II, §204(a)(1), Aug. 30, 1984, 98 Stat. 1561; Pub. L. 98-473, title II, §609Z, Oct. 12, 1984, 98 Stat. 2107, contained provisions similar to this section, prior to the general amendment of this subchapter by section 609F of Pub. L. 98-473.

Another prior section 3796, Pub. L. 90-351, title I, §701, as added Pub. L. 94-430, §2, Sept. 29, 1976, 90 Stat. 1346, contained provisions similar to this section, prior to the general amendment of this chapter by Pub. L. 96-157.

A prior section 1201 of Pub. L. 90-351, title VII, June 19, 1968, 82 Stat. 236, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99-308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, §330001(e)(1)(A), substituted “subsection (h) of this section,” for “subsection (g) of this section” in introductory provisions.

Subsec. (b). Pub. L. 103-322, §330001(e)(1)(B), substituted “catastrophic injury” for “catastrophic personal injury”, “subsection (h)” for “subsection (g)”, and “benefits paid under this subsection” for “benefits paid under this section”.

1992—Subsec. (b). Pub. L. 102-520 substituted “the same benefit in any year that is payable under subsection (a) of this section in such year,” for “a benefit of up to \$100,000.”

1990—Subsec. (b). Pub. L. 101-647, §1301(a)(3), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 101-647, §1301(a)(2), redesignated subsec. (b) as (c). Former subsec. (c) redesignated (d).

Subsecs. (d), (e). Pub. L. 101-647, §1301(a)(1), (2), redesignated subsecs. (c) and (d) as (d) and (e), respectively, and substituted “(c)” for “(b)”. Former subsec. (e) redesignated (f).

Subsecs. (f) to (i). Pub. L. 101-647, §1301(a)(2), redesignated former subsecs. (e) to (h) as (f) to (i), respectively.

Subsec. (j). Pub. L. 101-647, §1301(a)(4), added subsec. (j).

1988—Subsec. (a). Pub. L. 100-690, §6105(a), substituted “\$100,000, adjusted in accordance with subsection (g) of this section” for “\$50,000”.

Subsec. (a)(4). Pub. L. 100-690, §6105(c), struck out “dependent” before “parent”.

Subsecs. (g), (h). Pub. L. 100-690, §6105(b), added subsecs. (g) and (h).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 2 of Pub. L. 102-520 provided that: “The amendments made by section 1 of this Act [amending this section] shall apply with respect to injuries occur-

ring on or after November 29, 1990, using the calculation method used to determine benefits under section 1201(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [subsec. (a) of this section].”

EFFECTIVE DATE OF 1990 AMENDMENT

Section 1303 of title XIII of Pub. L. 101-647 provided that: “The amendments made by this title [amending this section and sections 3796a and 3796b of this title] shall take effect upon enactment [Nov. 29, 1990] and shall not apply with respect to injuries occurring before the effective date of such amendments.”

EFFECTIVE DATE OF 1988 AMENDMENT

Section 6105(e) of Pub. L. 100-690 provided that: “The amendments made by this section [amending this section and section 3796b of this title] shall take effect on June 1, 1988.”

EFFECTIVE DATE

Subchapter effective Oct. 1, 1984, and inapplicable with respect to injuries sustained before Oct. 1, 1984, see section 609AA(b)(1) of Pub. L. 98-473, set out as a note under section 3711 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796c of this title.

§ 3796a. Limitations on benefits

No benefit shall be paid under this subchapter—

(1) if the death or catastrophic injury was caused by the intentional misconduct of the public safety officer or by such officer’s intention to bring about his death or catastrophic injury;

(2) if the public safety officer was voluntarily intoxicated at the time of his death or catastrophic injury;

(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his death or catastrophic injury;

(4) to any individual who would otherwise be entitled to a benefit under this subchapter if such individual’s actions were a substantial contributing factor to the death or catastrophic injury of the public safety officer; or

(5) to any individual employed in a capacity other than a civilian capacity.

(Pub. L. 90-351, title I, §1202, as added Pub. L. 98-473, title II, §609F, Oct. 12, 1984, 98 Stat. 2099; amended Pub. L. 101-647, title XIII, §1301(b), Nov. 29, 1990, 104 Stat. 4834.)

PRIOR PROVISIONS

A prior section 3796a, Pub. L. 90-351, title I, §1202, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1220; amended Pub. L. 98-411, title II, §204(a)(2), Aug. 30, 1984, 98 Stat. 1561; Pub. L. 98-473, title II, §609Z, Oct. 12, 1984, 98 Stat. 2107, contained provisions similar to this section, prior to the general amendment of this subchapter by section 609F of Pub. L. 98-473.

Another prior section 3796a, Pub. L. 90-351, title I, §702, as added Pub. L. 94-430, §2, Sept. 29, 1976, 90 Stat. 1347, contained provisions similar to this section, prior to the general amendment of this chapter by Pub. L. 96-157.

A prior section 1202 of Pub. L. 90-351, title VII, June 19, 1968, 82 Stat. 236, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99-308, §104(b), May 19, 1986, 100 Stat. 459.

AMENDMENTS

1990—Pars. (1) to (4). Pub. L. 101-647 inserted “or catastrophic injury” after “death” wherever appearing.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective Nov. 29, 1990, and not applicable with respect to injuries occurring before Nov. 29, 1990, see section 1303 of Pub. L. 101-647, set out as a note under section 3796 of this title.

§ 3796a-1. National programs for families of public safety officers who have died in line of duty

The Director is authorized and directed to use up to \$150,000 of the funds appropriated for this subchapter to establish national programs to assist the families of public safety officers who have died in the line of duty.

(Pub. L. 90-351, title I, §1203, as added Pub. L. 100-690, title VI, §6106(a)(2), Nov. 18, 1988, 102 Stat. 4341.)

PRIOR PROVISIONS

A prior section 1203 of Pub. L. 90-351 was renumbered section 1204 and is classified to section 3796b of this title.

Another prior section 1203 of Pub. L. 90-351, title VII, June 19, 1968, 82 Stat. 237, was set out in the Appendix to Title 18, Crimes and Criminal Procedure, prior to repeal by Pub. L. 99-308, §104(b), May 19, 1986, 100 Stat. 459.

§ 3796b. Definitions

As used in this subchapter—

(1) “catastrophic injury” means consequences of an injury that permanently prevent an individual from performing any gainful work;

(2) “child” means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer’s death, is—

(i) 18 years of age or under;

(ii) over 18 years of age and a student as defined in section 8101 of title 5; or

(iii) over 18 years of age and incapable of self-support because of physical or mental disability;

(3) “firefighter” includes an individual serving as an officially recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew;

(4) “intoxication” means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidenced by—

(i) a post-mortem blood alcohol level of .20 per centum or greater; or

(ii) a post-mortem blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his death;

or resulting from drugs or other substances in the body;

(5) “law enforcement officer” means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including, but not limited to, police, corrections, probation, parole, and judicial officers;

(6) “public agency” means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing; and

(7) “public safety officer” means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, a firefighter, or rescue squad or ambulance crew¹

(Pub. L. 90-351, title I, §1204, formerly §1203, as added Pub. L. 98-473, title II, §609F, Oct. 12, 1984, 98 Stat. 2099; amended Pub. L. 99-500, §101(b) [title II, §207], Oct. 18, 1986, 100 Stat. 1783-39, 1783-56, and Pub. L. 99-591, §101(b) [title II, §207], Oct. 30, 1986, 100 Stat. 3341-39, 3341-56; renumbered §1204 and amended Pub. L. 100-690, title VI, §§6105(d), 6106(a)(1), Nov. 18, 1988, 102 Stat. 4341; Pub. L. 101-647, title XIII, §§1301(c), 1302, Nov. 29, 1990, 104 Stat. 4834; Pub. L. 103-322, title XXXIII, §330001(e)(2), Sept. 13, 1994, 108 Stat. 2139.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

A prior section 3796b, Pub. L. 90-351, title I, §1203, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1220; amended Pub. L. 98-411, title II, §204(a)(3), Aug. 30, 1984, 98 Stat. 1561; Pub. L. 98-473, title II, §609Z, Oct. 12, 1984, 98 Stat. 2107, contained provisions similar to this section, prior to the general amendment of this subchapter by section 609F of Pub. L. 98-473.

Another prior section 3796b, Pub. L. 90-351, title I, §703, as added Pub. L. 94-430, §2, Sept. 29, 1976, 90 Stat. 1347, contained provisions similar to this section, prior to the general amendment of this chapter by Pub. L. 96-157.

A prior section 1204 of Pub. L. 90-351 was renumbered section 1205 and is classified to section 3796c of this title.

AMENDMENTS

1994—Par. (3). Pub. L. 103-322 struck out before semicolon at end “who was responding to a fire, rescue or police emergency”.

1990—Par. (1). Pub. L. 101-647, §1301(c), added par. (1). Former par. (1) redesignated (2).

Par. (2). Pub. L. 101-647, §1302, which directed amendment of par. (2) by inserting a period after “ambulance crew” and striking out “who was responding to a fire, rescue or police emergency.”, could not be executed because the phrases “ambulance crew” and “who was responding to a fire, rescue or police emergency.” did not appear in text of par. (2).

Pub. L. 101-647, §1301(c)(1), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Pars. (3) to (7). Pub. L. 101-647, §1301(c)(1), redesignated pars. (2) to (6) as (3) to (7), respectively.

1988—Pars. (2) to (7). Pub. L. 100-690, §6105(d), redesignated pars. (3) to (7) as (2) to (6), respectively, and struck out former par. (2) defining a “dependent” as any individual substantially reliant for support upon income of deceased public safety officer.

1986—Pub. L. 99-500 and Pub. L. 99-591 inserted “and an officially recognized or designated public employee

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

member of a rescue squad or ambulance crew who was responding to a fire, rescue or police emergency" in par. (3), and substituted "a firefighter, or rescue squad or ambulance crew" for "or a firefighter." in par. (7).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-647 effective Nov. 29, 1990, and not applicable with respect to injuries occurring before Nov. 29, 1990, see section 1303 of Pub. L. 101-647, set out as a note under section 3796 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 6105(d) of Pub. L. 100-690 effective June 1, 1988, see section 6105(e) of Pub. L. 100-690, set out as a note under section 3796 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 28 section 1863.

§ 3796c. Administrative provisions; rules, regulations, and procedures; use of State and local administrative and investigative assistance

(a) The Bureau is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this subchapter. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this subchapter. Rules, regulations, and procedures issued under this subchapter may include regulations governing the recognition of agents or other persons representing claimants under this subchapter before the Bureau. The Bureau may prescribe the maximum fees which may be charged for services performed in connection with any claim under this subchapter before the Bureau, and any agreement in violation of such rules and regulations shall be void.

(b) In making determinations under section 3796 of this title, the Bureau may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Bureau.

(Pub. L. 90-351, title I, § 1205, formerly § 1204, as added Pub. L. 98-473, title II, § 609F, Oct. 12, 1984, 98 Stat. 2100; renumbered § 1205, Pub. L. 100-690, title VI, § 6106(a)(1), Nov. 18, 1988, 102 Stat. 4341.)

PRIOR PROVISIONS

A prior section 3796c, Pub. L. 90-351, title I, § 1204, as added Pub. L. 96-157, § 2, Dec. 27, 1979, 93 Stat. 1221, contained provisions similar to this section, prior to the general amendment of this subchapter by section 609F of Pub. L. 98-473.

Another prior section 3796c, Pub. L. 90-351, title I, § 704, as added Pub. L. 94-430, § 2, Sept. 29, 1976, 90 Stat. 1347, contained provisions similar to this section, prior to the general amendment of this chapter by Pub. L. 96-157.

SUBCHAPTER XII-A—REGIONAL INFORMATION SHARING SYSTEMS

PRIOR PROVISIONS

A prior subchapter XII-A, consisted of sections 3796h to 3796s, related to grants for law enforcement pro-

grams, prior to repeal by Pub. L. 100-690, title VI, § 6101(a), Nov. 18, 1988, 102 Stat. 4340. For similar provisions, see subchapter V of this chapter.

Section 3796h, Pub. L. 90-351, title I, § 1301, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-41, authorized Director to provide grants for drug law enforcement programs to eligible States and units of local government.

A prior section 1301 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

Section 3796i, Pub. L. 90-351, title I, § 1302, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-41, provided for a description of the drug law enforcement grant program.

Section 3796j, Pub. L. 90-351, title I, § 1303, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-42, related to applications to receive drug law enforcement program grants.

Section 3796k, Pub. L. 90-351, title I, § 1304, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-43, related to review of applications to receive drug law enforcement program grants.

Section 3796l, Pub. L. 90-351, title I, § 1305, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-43, related to allocation and distribution of funds under formula drug law enforcement grants.

Section 3796m, Pub. L. 90-351, title I, § 1306, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-44, required each State and unit of local government receiving drug law enforcement grants to report each year to the Director and required Director to report annually to Congress.

Section 3796n, Pub. L. 90-351, title I, § 1307, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-44, related to limitations on expenditures of funds, payment of the non-Federal portion in cash, and maintenance of records by States and units of local government.

Section 3796o, Pub. L. 90-351, title I, § 1308, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-45, provided for designation of a State office for program administration.

Section 3796p, Pub. L. 90-351, title I, § 1309, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-45, provided for discretionary grants for drug law enforcement programs.

Section 3796q, Pub. L. 90-351, title I, § 1310, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-45, provided application requirements for discretionary grants.

Section 3796r, Pub. L. 90-351, title I, § 1311, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-45, related to allocation of funds for discretionary grants.

Section 3796s, Pub. L. 90-351, title I, § 1312, as added Pub. L. 99-570, title I, § 1552(a)(3), Oct. 27, 1986, 100 Stat. 3207-46, provided for a limitation on use of discretionary grant funds.

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3782, 3783, 3793 of this title.

§ 3796h. Regional information sharing systems grants

(a) Authority of Director

The Director of the Bureau of Justice Assistance is authorized to make grants and enter into contracts with State and local criminal justice agencies and nonprofit organizations for the purposes of identifying, targeting, and removing criminal conspiracies and activities spanning jurisdictional boundaries.

(b) Purposes

Grants and contracts awarded under this subchapter shall be made for—

(1) maintaining and operating information sharing systems that are responsive to the needs of participating enforcement agencies in addressing multijurisdictional offenses and conspiracies, and that are capable of providing controlling input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies;

(2) establishing and operating an analytical component to assist participating agencies and projects in the compilation, interpretation, and presentation of information provided to a project;

(3) establishing and maintaining a telecommunication of the information sharing and analytical programs in clauses (1) and (2); and

(4) other programs designated by the Director that are designed to further the purposes of this subchapter.

(c) Rules and regulations

The Director is authorized to promulgate such rules and regulations as are necessary to carry out the purposes of this section, including rules and regulations for submitting and reviewing applications.

(Pub. L. 90-351, title I, §1301, as added Pub. L. 100-690, title VI, §6101(a), Nov. 18, 1988, 102 Stat. 4340.)

PRIOR PROVISIONS

A prior section 1301 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

Another prior section 1301 of Pub. L. 90-351, title VIII, June 19, 1968, 82 Stat. 237, amended section 3731 of Title 18, Crimes and Criminal Procedure.

For other prior sections 1301 of Pub. L. 90-351 and prior section 3796h of this title, see note set out preceding this section.

SUBCHAPTER XII-B—GRANTS FOR CLOSED-CIRCUIT TELEVISING OF TESTIMONY OF CHILDREN WHO ARE VICTIMS OF ABUSE

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3742, 3782, 3783, 3793 of this title.

§ 3796aa. Function of Director

The Director shall provide funds to eligible States and units of local government pursuant to this subchapter.

(Pub. L. 90-351, title I, §1401, as added Pub. L. 101-647, title II, §241(a)(2), Nov. 29, 1990, 104 Stat. 4810.)

PRIOR PROVISIONS

A prior section 1401 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

Another prior section 1401 of Pub. L. 90-351, title IX, June 19, 1968, 82 Stat. 238, enacted section 3103a of Title 18, Crimes and Criminal Procedure.

§ 3796aa-1. Description of grant program

The Director is authorized to make grants to provide equipment and personnel training for the closed-circuit televising and video taping of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children.

(Pub. L. 90-351, title I, §1402, as added Pub. L. 101-647, title II, §241(a)(2), Nov. 29, 1990, 104 Stat.

4810; amended Pub. L. 103-322, title IV, §40156(c)(2), Sept. 13, 1994, 108 Stat. 1923.)

AMENDMENTS

1994—Pub. L. 103-322 struck out “to States, for the use of States and units of local government in the States” after “make grants”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3796aa-2, 3796aa-3, 3796aa-6 of this title.

§ 3796aa-2. Applications to receive grants

To request a grant under section 3796aa-1 of this title, the chief executive officer of a State or unit of local government shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

(1) a certification that Federal funds made available under section 3796aa-1 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of such funds, be made available for criminal proceedings for the violation of laws relating to the abuse of children; and

(2) a certification that funds required to pay the non-Federal portion of the cost of equipment and personnel training for which such grant is made shall be in addition to funds that would otherwise be made available by the recipients of grant funds for criminal proceedings for the violation of laws relating to the abuse of children.

(Pub. L. 90-351, title I, §1403, as added Pub. L. 101-647, title II, §241(a)(2), Nov. 29, 1990, 104 Stat. 4810; amended Pub. L. 103-322, title IV, §40156(c)(3), Sept. 13, 1994, 108 Stat. 1923.)

AMENDMENTS

1994—Pub. L. 103-322, in introductory provisions inserted “or unit of local government” after “of a State”, in par. (1) inserted “and” at end, in par. (2) substituted a period for the semicolon at end, and struck out pars. (3) and (4) which read as follows:

“(3) an assurance that the State application described in this section, and any amendment to such application, has been submitted for review to the State legislature or its designated body (for purposes of this section, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the 60-day period beginning on the date such application or amendment is so submitted); and

“(4) an assurance that the State application and any amendment thereto was made public before submission to the Bureau and, to the extent provided under State law or established procedure, an opportunity to comment thereon was provided to citizens and to neighborhood and community groups.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3796aa-3, 3796aa-5 of this title.

§ 3796aa-3. Review of applications

(a) Eligibility for grants

An applicant is eligible to receive a grant under this subchapter if—

(1) the applicant certifies and the Director determines that there is in effect in the State a law that permits the closed-circuit televis-

ing and video taping of testimony of children in criminal proceedings for the violation of laws relating to the abuse of children;

(2) the applicant certifies and the Director determines that State law meets the following criteria:

(A) the judges determination that a child witness will be traumatized by the presence of the defendant must be made on a case-by-case basis;

(B) the trauma suffered must be more than de minimis;

(C) the child witness must give his/her statements under oath;

(D) the child witness must submit to cross-examination; and

(E) the finder of fact must be permitted to observe the demeanor of the child witness in making his or her statement and the defendant must be able to contemporaneously communicate with his defense attorney; and

(3) the Director determines that the application submitted under section 3796aa-1 of this title or amendment to such application is consistent with the requirements of this chapter.

(b) Applications deemed approved

Each application or amendment made and submitted for approval to the Director pursuant to section 3796aa-2 of this title shall be deemed approved, in whole or in part, by the Director not later than 60 days after first received unless the Director informs the applicant of specific reasons for disapproval.

(c) Reconsideration of applications

The Director shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

(Pub. L. 90-351, title I, § 1404, as added Pub. L. 101-647, title II, § 241(a)(2), Nov. 29, 1990, 104 Stat. 4811; amended Pub. L. 103-322, title IV, § 40156(c)(4), Sept. 13, 1994, 108 Stat. 1923.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, § 40156(c)(4)(A)(i), (vii), substituted “An applicant is eligible to receive a grant under this subchapter if—” for “The Bureau shall provide financial assistance to each State applicant under section 3796aa-1 of this title to provide equipment and personnel training for the closed-circuit televising and video taping of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children, upon determining that” in introductory provisions and designated concluding provisions as subsec. (b). See below.

Subsec. (a)(1). Pub. L. 103-322, § 40156(c)(4)(A)(ii), substituted “the applicant certifies and the Director determines that there is in effect in the State” for “there is in effect in such State”.

Subsec. (a)(2). Pub. L. 103-322, § 40156(c)(4)(A)(iii), in introductory provisions substituted “the applicant certifies and the Director determines that State law meets” for “such State law shall meet”.

Subsec. (a)(2)(E). Pub. L. 103-322, § 40156(c)(4)(A)(iv), which directed the insertion of “and” at the end of “subparagraph (E)”, without indicating which paragraph of subsec. (a) was to be amended, was executed by making the insertion at end of par. (2)(E) to reflect the probable intent of Congress.

Subsec. (a)(3). Pub. L. 103-322, § 40156(c)(4)(A)(v), inserted “the Director determines that” before “the application” and substituted a period for “; and” at end.

Subsec. (a)(4). Pub. L. 103-322, § 40156(c)(4)(A)(vi), struck out par. (4) which read as follows: “before the approval of such application and any amendment thereto to the Bureau has made an affirmative finding in writing that such equipment and personnel training has been reviewed in accordance with section 3796aa-2 of this title.”

Subsec. (b). Pub. L. 103-322, § 40156(c)(4)(A)(vii), (viii), designated concluding provisions of subsec. (a) as subsec. (b) and substituted “the Director” for “the Bureau” wherever appearing. Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 103-322, § 40156(c)(4)(B), redesignated subsec. (b), relating to reconsideration of applications, as (c) and substituted “The Director” for “The Bureau”.

§ 3796aa-4. Repealed. Pub. L. 103-322, title IV, § 40156(c)(5), Sept. 13, 1994, 108 Stat. 1924

Section, Pub. L. 90-351, title I, § 1405, as added Pub. L. 101-647, title II, § 241(a)(2), Nov. 29, 1990, 104 Stat. 4811, related to allocation and distribution of funds under formula grants, limitation on use of funds, and waiver of assistance by States.

§ 3796aa-5. Reports

(a) Each State or unit of local government that receives a grant under this subchapter shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the application submitted under section 3796aa-2 of this title; and

(2) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.

(b) Not later than 90 days after the end of each fiscal year for which grants are made under this subchapter, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of grants made under this chapter to the State and units of local government in the State for such fiscal year; and

(2) a summary of the information provided in compliance with subsection (a)(1) of this section.

(Pub. L. 90-351, title I, § 1406, as added Pub. L. 101-647, title II, § 241(a)(2), Nov. 29, 1990, 104 Stat. 4812; amended Pub. L. 103-322, title IV, § 40156(c)(6), Sept. 13, 1994, 108 Stat. 1924.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, § 40156(c)(6)(A)(i), (ii), substituted “State or unit of local government that” for “State which” and “subchapter” for “chapter” in introductory provisions.

Subsec. (a)(1). Pub. L. 103-322, § 40156(c)(6)(A)(iii), struck out “State” before “application submitted”.

Subsec. (b)(1). Pub. L. 103-322, § 40156(c)(6)(B), substituted “the State and units of local government in the State” for “such State”.

§ 3796aa-6. Expenditure of grants; records**(a) Identified uses**

A grant made under this subchapter may not be expended for more than 75 percent of the cost of the identified uses, in the aggregate, for which such grant is received to carry out section 3796aa-1 of this title, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

(b) Administration

Not more than 10 percent of a grant made under this subchapter may be used for costs incurred to administer such grant.

(c) Records

(1) Grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) shall keep such records as the Director may require by rule to facilitate such an audit.¹

(2) The Director and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) if, in the opinion of the Director or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

(d) Utilization of private sector

Nothing in this subchapter shall prohibit the utilization of any grant funds to contract with a private organization to provide equipment or training for the televising of testimony as contemplated by the application submitted by an applicant.

(Pub. L. 90-351, title I, §1407, as added Pub. L. 101-647, title II, §241(a)(2), Nov. 29, 1990, 104 Stat. 4813; amended Pub. L. 103-322, title IV, §40156(c)(7), Sept. 13, 1994, 108 Stat. 1924.)

AMENDMENTS

1994—Subsec. (c)(1). Pub. L. 103-322, §40156(c)(7)(A)(i), substituted “Grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) shall keep such records as the Director may require by rule to facilitate such an audit.” for “Each State which receives a grant under this chapter shall keep, and shall require units of local government which receive any part of such grant to keep, such records as the Director may require by rule to facilitate an effective audit”.

Subsec. (c)(2). Pub. L. 103-322, §40156(c)(7)(A)(ii), substituted “grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds)” for “States which receive grants, and of units of local government which receive any part of a grant made under this subchapter”.

Subsec. (d). Pub. L. 103-322, §40156(c)(7)(B), added subsec. (d).

¹ So in original.

§ 3796aa-7. Repealed. Pub. L. 103-322, title IV, § 40156(c)(8), Sept. 13, 1994, 108 Stat. 1924

Section, Pub. L. 90-351, title I, §1408, as added Pub. L. 101-647, title II, §241(a)(2), Nov. 29, 1990, 104 Stat. 4813, directed the chief executive of each participating State to designate a State office for purposes of applying for and administering funds under this subchapter.

§ 3796aa-8. Definitions

For purposes of this subchapter—

(1) the term “child” means an individual under the age of 18 years; and

(2) the term “abuse” means physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.

(Pub. L. 90-351, title I, §1409, as added Pub. L. 101-647, title II, §241(a)(2), Nov. 29, 1990, 104 Stat. 4813.)

SUBCHAPTER XII-C—RURAL DRUG ENFORCEMENT**SUBCHAPTER REFERRED TO IN OTHER SECTIONS**

This subchapter is referred to in sections 3782, 3783, 3793 of this title.

§ 3796bb. Rural drug enforcement assistance

(a) Of the total amount appropriated for this section in any fiscal year:

(1) 50 percent shall be allocated to and shared equally among rural States as described in subsection (b) of this section; and

(2) 50 percent shall be allocated to the remaining States for use in nonmetropolitan areas within those States, as follows:

(A) \$250,000 to each nonrural State; and

(B) of the total funds remaining after the allocation in subparagraph (A), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described as the population of such State bears to the population of all States.

(b) For the purpose of this section, the term “rural State” means a State that has a population density of fifty-two or fewer persons per square mile or a State in which the largest county has fewer than one hundred and fifty thousand people, based on the decennial census of 1990 through fiscal year 1997.

(Pub. L. 90-351, title I, §1501, as added Pub. L. 101-647, title VIII, §801(a)(3), Nov. 29, 1990, 104 Stat. 4825; amended Pub. L. 103-322, title XVIII, §180101(b), (c), Sept. 13, 1994, 108 Stat. 2045.)

PRIOR PROVISIONS

A prior section 1501 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

Another prior section 1501 of Pub. L. 90-351, title X, June 19, 1968, 82 Stat. 238, was not classified to the Code.

AMENDMENTS

1994—Subsec. (a)(2)(A). Pub. L. 103-322, §180101(b), substituted “\$250,000” for “\$100,000”.

Subsec. (b). Pub. L. 103-322, §180101(c), inserted before period at end “, based on the decennial census of 1990 through fiscal year 1997”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13862, 13971 of this title.

§ 3796bb-1. Other requirements

Parts A and C of subchapter V of this chapter shall apply with respect to funds appropriated to carry out this subchapter, in the same manner as such parts apply to funds appropriated to carry out subchapter V of this chapter, except that—

(1) section 3756(a) of this title shall not apply with respect to this subchapter; and

(2) in addition to satisfying the requirements of section 3753(a) of this title, each application for a grant under this subchapter shall include in its application a statement specifying how such grant will be coordinated with a grant received under section 3756 of this title for the same fiscal year.

(Pub. L. 90-351, title I, §1502, as added Pub. L. 101-647, title VIII, §801(a)(3), Nov. 29, 1990, 104 Stat. 4825.)

SUBCHAPTER XII-D—CRIMINAL CHILD SUPPORT ENFORCEMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3793 of this title.

§ 3796cc. Grant authorization**(a) In general**

The Director of the Bureau of Justice Assistance may make grants under this subchapter to States, for the use by States, and local entities in the States to develop, implement, and enforce criminal interstate child support legislation and coordinate criminal interstate child support enforcement efforts.

(b) Uses of funds

Funds distributed under this subchapter shall be used to—

(1) develop a comprehensive assessment of existing criminal interstate child support enforcement efforts, including the identification of gaps in, and barriers to, the enforcement of such efforts;

(2) plan and implement comprehensive long-range strategies for criminal interstate child support enforcement;

(3) reach an agreement within the State regarding the priorities of such State in the enforcement of criminal interstate child support legislation;

(4) develop a plan to implement such priorities; and

(5) coordinate criminal interstate child support enforcement efforts.

(Pub. L. 90-351, title I, §1601, as added Pub. L. 102-521, §4(a)(3), Oct. 25, 1992, 106 Stat. 3404.)

CODIFICATION

Another section 1601 of Pub. L. 90-351, title XI, June 19, 1968, 82 Stat. 239, is set out as a note under section 3711 of this title.

PRIOR PROVISIONS

A prior section 1601 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3796cc-2, 3796cc-3 of this title.

§ 3796cc-1. State applications**(a) In general**

(1) To request a grant under this subchapter, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

(2) An application under paragraph (1) shall include assurances that Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subchapter.

(b) State office

The office designated under section 3757 of this title—

(1) shall prepare the application required under this section; and

(2) shall administer grant funds received under this subchapter, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

(Pub. L. 90-351, title I, §1602, as added Pub. L. 102-521, §4(a)(3), Oct. 25, 1992, 106 Stat. 3404.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3796cc-2, 3796cc-3, 3796cc-4 of this title.

§ 3796cc-2. Review of State applications**(a) In general**

The Bureau shall make a grant under section 3796cc(a) of this title to carry out the projects described in the application submitted by an applicant under section 3796cc-1 of this title upon determining that—

(1) the application is consistent with the requirements of this subchapter; and

(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this subchapter.

(b) Approval

Each application submitted under section 3796cc-1 of this title shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

(c) Disapproval notice and reconsideration

The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

(Pub. L. 90-351, title I, §1603, as added Pub. L. 102-521, §4(a)(3), Oct. 25, 1992, 106 Stat. 3405.)

§ 3796cc-3. Local applications**(a) In general**

(1) To request funds under this subchapter from a State, the chief executive of a local entity shall submit an application to the office designated under section 3796cc-1(b) of this title.

(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the

State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

(4) If an application under paragraph (1) is approved, the local entity is eligible to receive funds under this subchapter.

(b) Distribution to local entities

A State that receives funds under section 3796cc of this title in a fiscal year shall make such funds available to a local entity with an approved application within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy the requirement of the preceding sentence under State statutes.

(Pub. L. 90-351, title I, §1604, as added Pub. L. 102-521, §4(a)(3), Oct. 25, 1992, 106 Stat. 3405.)

§ 3796cc-4. Distribution of funds

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the project described in the application submitted under section 3796cc-1(a) of this title for the fiscal year for which the project receives assistance under this subchapter.

(Pub. L. 90-351, title I, §1605, as added Pub. L. 102-521, §4(a)(3), Oct. 25, 1992, 106 Stat. 3405.)

§ 3796cc-5. Evaluation

(a) In general

(1) Each State and local entity that receives a grant under this subchapter shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the Director of the National Institute of Justice.

(2) The Director may waive the requirement specified in subsection (a) of this section if the Director determines that such evaluation is not warranted in the case of the State or local entity involved.

(b) Distribution

The Director shall make available to the public on a timely basis evaluations received under subsection (a) of this section.

(c) Administrative costs

A State or local entity may use not more than 5 percent of the funds it receives under this subchapter to develop an evaluation program under this section.

(Pub. L. 90-351, title I, §1606, as added Pub. L. 102-521, §4(a)(3), Oct. 25, 1992, 106 Stat. 3405.)

§ 3796cc-6. “Local entity” defined

For purposes of this subchapter, the term “local entity” means a child support enforcement agency, law enforcement agency, prosecuting attorney, or unit of local government.

(Pub. L. 90-351, title I, §1607, as added Pub. L. 102-521, §4(a)(3), Oct. 25, 1992, 106 Stat. 3406.)

SUBCHAPTER XII-E—PUBLIC SAFETY AND COMMUNITY POLICING; “COPS ON THE BEAT”

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3793 of this title.

§ 3796dd. Authority to make public safety and community policing grants

(a) Grant authorization

The Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

(b) Rehiring, hiring, and initial redeployment grant projects

(1) In general

Grants made under subsection (a) of this section may be used for programs, projects, and other activities to—

(A) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

(B) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation; and

(C) procure equipment, technology, or support systems, or pay overtime, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in an increase in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that would result from a grant for a like amount for the purposes specified in subparagraph (A) or (B).

(2) Grants for equipment, technology, and support systems

Grants pursuant to paragraph (1)(C)—

(A) may not exceed—

(i) 20 percent of the funds available for grants pursuant to this subsection in fiscal year 1995;

(ii) 20 percent of the funds available for grants pursuant to this subsection in fiscal year 1996; or

(iii) 10 percent of the funds available for grants pursuant to this subsection in fiscal years 1997, 1998, 1999, and 2000; and

(B) may not be awarded in fiscal years¹ 1998, 1999, or 2000 unless the Attorney General has certified that grants awarded in fiscal years 1995, 1996, and 1997 pursuant to subparagraph² (1)(C) have resulted in an in-

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

² So in original. Probably should be “paragraph”.

crease in the number of officers deployed in community-oriented policing equal to or greater than the increase in the number of officers that have resulted from the grants in like amounts awarded in fiscal years 1995, 1996, and 1997 pursuant to paragraph (1)(A) and (B).

(c) Troops-to-cops programs

(1) In general

Grants made under subsection (a) of this section may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

(2) "Former member of the Armed Forces" defined

In this subsection, "former member of the Armed Forces" means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10.

(d) Additional grant projects

Grants made under subsection (a) of this section may include programs, projects, and other activities to—

(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

(3) increase police participation in multidisciplinary early intervention teams;

(4) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime;

(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community, such as a citizens' police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

(6) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

(8) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy;

(9) establish, implement, and coordinate crime prevention and control programs (in-

volving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members; and

(10) support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing.

(e) Preferential consideration of applications for certain grants

In awarding grants under this subchapter, the Attorney General may give preferential consideration, where feasible, to applications for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (i) of this section.

(f) Technical assistance

(1) In general

The Attorney General may provide technical assistance to States, units of local government, Indian tribal governments, and to other public and private entities, in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(2) Model

The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

(3) Training centers and facilities

The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(g) Utilization of components

The Attorney General may utilize any component or components of the Department of Justice in carrying out this subchapter.

(h) Minimum amount

Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) of this section have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) of this section not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to

that subsection. In this subsection, “qualifying State” means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this subchapter.

(i) Matching funds

The portion of the costs of a program, project, or activity provided by a grant under subsection (a) of this section may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 3796dd-1(c)(8) of this title.

(j) Allocation of funds

The funds available under this subchapter shall be allocated as provided in section 3793(a)(11)(B) of this title.

(k) Termination of grants for hiring officers

The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from September 13, 1994. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this subchapter and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

(Pub. L. 90-351, title I, §1701, as added Pub. L. 103-322, title I, §10003(a)(3), Sept. 13, 1994, 108 Stat. 1808.)

REFERENCES IN TEXT

The Public Safety Partnership and Community Policing Act of 1994, referred to in subsec. (f)(1), (3), is title I of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1807, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 3711 of this title and Tables.

PRIOR PROVISIONS

A prior section 1701 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

PURPOSES OF PUBLIC SAFETY PARTNERSHIP AND COMMUNITY POLICING ACT OF 1994

Section 10002 of title I of Pub. L. 103-322 provided that: “The purposes of this title [see Short Title of 1994 Amendment note set out under section 3711 of this title] are to—

“(1) substantially increase the number of law enforcement officers interacting directly with members of the community (‘cops on the beat’);

“(2) provide additional and more effective training to law enforcement officers to enhance their problem solving, service, and other skills needed in interacting with members of the community;

“(3) encourage the development and implementation of innovative programs to permit members of the community to assist State, Indian tribal government, and local law enforcement agencies in the prevention of crime in the community; and

“(4) encourage the development of new technologies to assist State, Indian tribal government, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime,

by establishing a program of grants and assistance in furtherance of these objectives, including the authorization for a period of 6 years of grants for the hiring and rehiring of additional career law enforcement officers.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3793, 3796dd-1 of this title.

§ 3796dd-1. Applications

(a) In general

No grant may be made under this subchapter unless an application has been submitted to, and approved by, the Attorney General.

(b) Application

An application for a grant under this subchapter shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

(c) Contents

In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this subchapter shall—

(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 3753(a)(1) of this title;

(2) demonstrate a specific public safety need;

(3) explain the applicant’s inability to address the need without Federal assistance;

(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate coordination with all affected agencies;

(6) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support;

(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers, specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

(9) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

(10) explain how the grant will be utilized to reorient the affected law enforcement agency’s mission toward community-oriented policing

or enhance its involvement in or commitment to community-oriented policing; and

(11) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within the sworn positions in the law enforcement agency.

(d) Special provisions

(1) Small jurisdictions

Notwithstanding any other provision of this subchapter, in relation to applications under this subchapter of units of local government or law enforcement agencies having jurisdiction over areas with populations of less than 50,000, the Attorney General may waive 1 or more of the requirements of subsection (c) of this section and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

(2) Small grant amount

Notwithstanding any other provision of this subchapter, in relation to applications under section 3796dd(d) of this title for grants of less than \$1,000,000, the Attorney General may waive 1 or more of the requirements of subsection (c) of this section and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

(Pub. L. 90-351, title I, §1702, as added Pub. L. 103-322, title I, §10003(a)(3), Sept. 13, 1994, 108 Stat. 1811.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3796dd, 3796dd-5 of this title.

§ 3796dd-2. Renewal of grants

(a) In general

Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this subchapter may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives its initial grant, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

(b) Grants for hiring

Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, subject to the requirements of subsection (a) of this section, but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

(c) Multiyear grants

A grant for a period exceeding 1 year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed 3 years, or 5 years if it is a grant made for hiring or rehiring additional career law enforcement officers.

(Pub. L. 90-351, title I, §1703, as added Pub. L. 103-322, title I, §10003(a)(3), Sept. 13, 1994, 108 Stat. 1812.)

§ 3796dd-3. Limitation on use of funds

(a) Nonsupplanting requirement

Funds made available under this subchapter to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this subchapter, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

(b) Non-Federal costs

(1) In general

States and units of local government may use assets received through the Assets Forfeiture equitable sharing program to provide the non-Federal share of the cost of programs, projects, and activities funded under this subchapter.

(2) Indian tribal governments

Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subchapter.

(c) Hiring costs

Funding provided under this subchapter for hiring or rehiring a career law enforcement officer may not exceed \$75,000, unless the Attorney General grants a waiver from this limitation.

(Pub. L. 90-351, title I, §1704, as added Pub. L. 103-322, title I, §10003(a)(3), Sept. 13, 1994, 108 Stat. 1812.)

§ 3796dd-4. Performance evaluation

(a) Monitoring components

Each program, project, or activity funded under this subchapter shall contain a monitoring component, developed pursuant to guidelines established by the Attorney General. The monitoring required by this subsection shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

(b) Evaluation components

Selected grant recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Attorney General. Such evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

(c) Periodic review and reports

The Attorney General may require a grant recipient to submit to the Attorney General the results of the monitoring and evaluations required under subsections (a) and (b) of this section and such other data and information as the Attorney General deems reasonably necessary.

(Pub. L. 90-351, title I, §1705, as added Pub. L. 103-322, title I, §10003(a)(3), Sept. 13, 1994, 108 Stat. 1813.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796dd-5 of this title.

§ 3796dd-5. Revocation or suspension of funding

If the Attorney General determines, as a result of the reviews required by section 3796dd-4 of this title, or otherwise, that a grant recipient under this subchapter is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 3796dd-1 of this title, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

(Pub. L. 90-351, title I, §1706, as added Pub. L. 103-322, title I, §10003(a)(3), Sept. 13, 1994, 108 Stat. 1813.)

§ 3796dd-6. Access to documents**(a) By Attorney General**

The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this subchapter and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this subchapter.

(b) By Comptroller General

Subsection (a) of this section shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

(Pub. L. 90-351, title I, §1707, as added Pub. L. 103-322, title I, §10003(a)(3), Sept. 13, 1994, 108 Stat. 1813.)

§ 3796dd-7. General regulatory authority

The Attorney General may promulgate regulations and guidelines to carry out this subchapter.

(Pub. L. 90-351, title I, §1708, as added Pub. L. 103-322, title I, §10003(a)(3), Sept. 13, 1994, 108 Stat. 1813.)

§ 3796dd-8. Definitions

In this subchapter—

“career law enforcement officer” means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.

“citizens’ police academy” means a program by local law enforcement agencies or private

nonprofit organizations in which citizens, especially those who participate in neighborhood watch programs, are trained in ways of facilitating communication between the community and local law enforcement in the prevention of crime.

“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.

(Pub. L. 90-351, title I, §1709, as added Pub. L. 103-322, title I, §10003(a)(3), Sept. 13, 1994, 108 Stat. 1813.)

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.

SUBCHAPTER XII-F—CERTAIN PUNISHMENT FOR YOUNG OFFENDERS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3793 of this title.

§ 3796ee. Grant authorization**(a) In general**

The Attorney General may make grants under this subchapter to States, for the use by States and units of local government, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

(b) Alternative methods

The alternative methods of punishment referred to in subsection (a) of this section should ensure certain punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

(1) alternative sanctions that create accountability and certain punishment for young offenders;

(2) restitution programs for young offenders;

(3) innovative projects, such as projects consisting of education and job training activities for incarcerated young offenders, modeled, to the extent practicable, after activities carried out under part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.) and projects that provide family counseling;

(4) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

(5) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

(6) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse) and gang-related offenses; and

(7) adequate and appropriate after care programs for young offenders, such as substance abuse treatment, education programs, vocational training, job placement counseling, family counseling and other support programs upon release.

(Pub. L. 90-351, title I, §1801, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1819.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsec. (b)(3), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended. Part B of title IV of the Act is classified generally to part B (§1691 et seq.) of subchapter IV of chapter 19 of Title 29, Labor. For complete classification of the Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 1801 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3796ee-2, 3796ee-3, 3796ee-4 of this title.

§ 3796ee-1. State applications

(a) In general

(1) Submission of application

To request a grant under this subchapter, the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) Assurances

An application under paragraph (1) shall include assurances that Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subchapter.

(b) State office

The office designated under section 3757 of this title—

(1) shall prepare the application as required under subsection (a) of this section; and

(2) shall administer grant funds received under this subchapter, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

(Pub. L. 90-351, title I, §1802, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1820.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3796ee-2, 3796ee-3, 3796ee-4 of this title.

§ 3796ee-2. Review of State applications

(a) In general

The Attorney General shall make a grant under section 3796ee(a) of this title to carry out

the projects described in the application submitted by such applicant under section 3796ee-1 of this title upon determining that—

(1) the application is consistent with the requirements of this subchapter; and

(2) before the approval of the application, the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this subchapter.

(b) Approval

Each application submitted under section 3796ee-1 of this title shall be considered approved, in whole or in part, by the Attorney General not later than 45 days after first received unless the Attorney General informs the applicant of specific reasons for disapproval.

(c) Restriction

Grant funds received under this subchapter shall not be used for land acquisition or construction projects, other than alternative facilities described in section 3796ee(b) of this title.

(d) Disapproval notice and reconsideration

The Attorney General shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

(Pub. L. 90-351, title I, §1803, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1820.)

§ 3796ee-3. Local applications

(a) In general

(1) Submission of application

To request funds under this subchapter from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 3796ee-1(b) of this title.

(2) Approval

An application under paragraph (1) shall be considered to have been approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

(3) Disapproval

The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

(4) Effect of approval

If an application under this subsection is approved, the unit of local government is eligible to receive funds under this subchapter.

(b) Distribution to units of local government

A State that receives funds under section 3796ee of this title in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Attorney General has approved the application submitted by the State and has made funds available to the State. The Attorney General may waive the 45-day requirement in this

section upon a finding that the State is unable to satisfy such requirement under State statutes.

(Pub. L. 90-351, title I, §1804, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1820.)

§ 3796ee-4. Allocation and distribution of funds

(a) State distribution

Of the total amount appropriated under this subchapter in any fiscal year—

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

(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

(b) Local distribution

(1) In general

A State that receives funds under this subchapter in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 3796ee of this title that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such preceding fiscal year.

(2) Undistributed funds

Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 3796ee of this title.

(3) Unused funds

If the Attorney General determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 3796ee of this title, the Attorney General shall award such funds to units of local government in such State giving priority to the units of local government that the Attorney General considers to have the greatest need.

(c) General requirement

Notwithstanding subsections (a) and (b) of this section, not less than two-thirds of funds received by a State under this subchapter shall be distributed to units of local government unless the State applies for and receives a waiver from the Attorney General.

(d) Federal share

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the projects described in the application submitted under section 3796ee-1(a) of

this title for the fiscal year for which the projects receive assistance under this subchapter.

(e) Consideration

Notwithstanding subsections (a) and (b) of this section, in awarding grants under this subchapter, the Attorney General shall consider as a factor whether a State has in effect throughout such State a law or policy that requires that a juvenile who is in possession of a firearm or other weapon on school property or convicted of a crime involving the use of a firearm or weapon on school property—

(1) be suspended from school for a reasonable period of time; and

(2) lose driving license privileges for a reasonable period of time.

(f) "Juvenile" defined

For purposes of this subchapter, "juvenile" means a person 18 years of age or younger.

(Pub. L. 90-351, title I, §1805, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1821.)

§ 3796ee-5. Evaluation

(a) In general

(1) Submission to the Director

Each State and unit of local government that receives a grant under this subchapter shall submit to the Attorney General an evaluation not later than March 1 of each year in accordance with guidelines issued by the Attorney General. Such evaluation shall include an appraisal by representatives of the community of the programs funded by the grant.

(2) Waiver

The Attorney General may waive the requirement specified in paragraph (1) if the Attorney General determines that such evaluation is not warranted in the case of the State or unit of local government involved.

(b) Distribution

The Attorney General shall make available to the public on a timely basis evaluations received under subsection (a) of this section.

(c) Administrative costs

A State or unit of local government may use not more than 5 percent of funds it receives under this subchapter to develop an evaluation program under this section.

(Pub. L. 90-351, title I, §1806, as added Pub. L. 103-322, title II, §20201(a)(3), Sept. 13, 1994, 108 Stat. 1822.)

SUBCHAPTER XII-G—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3793 of this title.

§ 3796ff. Grant authorization

(a) In general

The Attorney General may make grants under this subchapter to States, for use by States and

units of local government for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional and detention facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

(b) Consultation

The Attorney General shall consult with the Secretary of Health and Human Services to ensure that projects of substance abuse treatment and related services for State prisoners incorporate applicable components of existing comprehensive approaches including relapse prevention and aftercare services.

(Pub. L. 90-351, title I, §1901, as added Pub. L. 103-322, title III, §32101(a)(3), Sept. 13, 1994, 108 Stat. 1898.)

PRIOR PROVISIONS

A prior section 1901 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796ff-2 of this title.

§ 3796ff-1. State applications

(a) In general

(1) To request a grant under this subchapter the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

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

(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol¹ and Drug¹ Abuse¹ agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).

(b) Substance abuse testing requirement

To be eligible to receive funds under this subchapter, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

(c) Eligibility for preference with aftercare component

(1) To be eligible for a preference under this subchapter, a State must ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this subchapter will be provided with aftercare services.

(2) State aftercare services must involve the coordination of the correctional facility treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the substance abuse treatment program.

(3) To qualify as an aftercare program, the head of the substance abuse treatment program, in conjunction with State and local authorities and organizations involved in substance abuse treatment, shall assist in placement of substance abuse treatment program participants with appropriate community substance abuse treatment facilities when such individuals leave the correctional facility at the end of a sentence or on parole.

(d) Coordination of Federal assistance

Each application submitted for a grant under this section shall include a description of how the funds made available under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services currently provided by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

(e) State office

The Office designated under section 3757 of this title—

(1) shall prepare the application as required under this section; and

(2) shall administer grant funds received under this subchapter, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

(Pub. L. 90-351, title I, §1902, as added Pub. L. 103-322, title III, §32101(a)(3), Sept. 13, 1994, 108 Stat. 1898.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3796ff-2, 3796ff-3 of this title.

§ 3796ff-2. Review of State applications

(a) In general

The Attorney General shall make a grant under section 3796ff of this title to carry out the projects described in the application submitted under section 3796ff-1 of this title upon determining that—

(1) the application is consistent with the requirements of this subchapter; and

(2) before the approval of the application the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this subchapter.

(b) Approval

Each application submitted under section 3796ff-1 of this title shall be considered approved, in whole or in part, by the Attorney General not later than 90 days after first received unless the Attorney General informs the applicant of specific reasons for disapproval.

¹ So in original. Probably should not be capitalized.

(c) Restriction

Grant funds received under this subchapter shall not be used for land acquisition or construction projects.

(d) Disapproval notice and reconsideration

The Attorney General shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

(Pub. L. 90-351, title I, §1903, as added Pub. L. 103-322, title III, §32101(a)(3), Sept. 13, 1994, 108 Stat. 1899.)

§ 3796ff-3. Allocation and distribution of funds**(a) Allocation**

Of the total amount appropriated under this subchapter in any fiscal year—

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

(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

(b) Federal share

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the projects described in the application submitted under section 3796ff-1 of this title for the fiscal year for which the projects receive assistance under this subchapter.

(Pub. L. 90-351, title I, §1904, as added Pub. L. 103-322, title III, §32101(a)(3), Sept. 13, 1994, 108 Stat. 1900.)

§ 3796ff-4. Evaluation

Each State that receives a grant under this subchapter shall submit to the Attorney General an evaluation not later than March 1 of each year in such form and containing such information as the Attorney General may reasonably require.

(Pub. L. 90-351, title I, §1905, as added Pub. L. 103-322, title III, §32101(a)(3), Sept. 13, 1994, 108 Stat. 1900.)

SUBCHAPTER XII-H—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN**SUBCHAPTER REFERRED TO IN OTHER SECTIONS**

This subchapter is referred to in section 3793 of this title.

§ 3796gg. Purpose of program and grants**(a) General program purpose**

The purpose of this subchapter is to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) Purposes for which grants may be used

Grants under this subchapter shall provide personnel, training, technical assistance, data

collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, and specifically, for the purposes of—

(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;

(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, developing or improving delivery of victim services to racial, cultural, ethnic, and language minorities, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

(6) developing, enlarging, or strengthening programs addressing stalking; and

(7) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence.

(Pub. L. 90-351, title I, §2001, as added Pub. L. 103-322, title IV, §40121(a)(3), Sept. 13, 1994, 108 Stat. 1910.)

PRIOR PROVISIONS

A prior section 2001 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796gg-1 of this title.

§ 3796gg-1. State grants**(a) General grants**

The Attorney General may make grants to States, for use by States, units of local government, nonprofit nongovernmental victim services programs, and Indian tribal governments for the purposes described in section 3796gg(b) of this title.

(b) Amounts

Of the amounts appropriated for the purposes of this subchapter—

- (1) 4 percent shall be available for grants to Indian tribal governments;
- (2) \$500,000 shall be available for grants to applicants in each State; and
- (3) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States (not including populations of Indian tribes).

(c) Qualification

Upon satisfying the terms of subsection (d) of this section, any State shall be qualified for funds provided under this subchapter upon certification that—

- (1) the funds shall be used for any of the purposes described in section 3796gg(b) of this title;
- (2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs;
- (3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following 3 areas: prosecution, law enforcement, and victim services; and
- (4) any Federal funds received under this subchapter shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subchapter.¹

(d) Application requirements

The application requirements provided in section 3763¹ of this title shall apply to grants made under this subchapter. In addition, each application shall include the certifications of qualification required by subsection (c) of this section, including documentation from nonprofit, nongovernmental victim services programs, describing their participation in developing the plan required by subsection (c)(2) of this section. An application shall include—

- (1) documentation from the prosecution, law enforcement, and victim services programs to be assisted, demonstrating—
 - (A) need for the grant funds;
 - (B) intended use of the grant funds;
 - (C) expected results from the use of grant funds; and
 - (D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background;
- (2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 3796gg-4 of this title; and
- (3) proof of compliance with the requirements for paying filing and service fees for do-

mestic violence cases provided in section 3796gg-5 of this title.

(e) Disbursement**(1) In general**

Not later than 60 days after the receipt of an application under this subchapter, the Attorney General shall—

- (A) disburse the appropriate sums provided for under this subchapter; or
- (B) inform the applicant why the application does not conform to the terms of section 3763¹ of this title or to the requirements of this section.

(2) Regulations

In disbursing monies under this subchapter, the Attorney General shall issue regulations to ensure that States will—

- (A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence and sexual assault programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;
- (B) determine the amount of subgrants based on the population and geographic area to be served;
- (C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and
- (D) recognize and address the needs of underserved populations.

(f) Federal share

The Federal share of a grant made under this subchapter¹ may not exceed 75 percent of the total costs of the projects described in the application submitted.

(g) Indian tribes

Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this subchapter.

(h) Grantee reporting**(1) In general**

Upon completion of the grant period under this subchapter, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this subchapter.

(2) Certification by grantee and subgrantees

A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

(3) Suspension of funding

The Attorney General shall suspend funding for an approved application if—

- (A) an applicant fails to submit an annual performance report;

¹ See References in Text note below.

- (B) funds are expended for purposes other than those described in this subchapter; or
- (C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

(Pub. L. 90-351, title I, §2002, as added Pub. L. 103-322, title IV, §40121(a)(3), Sept. 13, 1994, 108 Stat. 1911.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (c)(4), the second place it appears, and (f), was in the original “this subtitle”, and was translated as reading “this part”, meaning part T of title I of Pub. L. 90-351, to reflect the probable intent of Congress. Title I of Pub. L. 90-351 does not contain subtitles.

Section 3763 of this title, referred to in subsecs. (d) and (e)(1)(B), was in the original “section 513”, and was translated as reading “section 517”, meaning section 517 of title I of Pub. L. 90-351, to reflect the probable intent of Congress. Pub. L. 90-351 does not contain a section 513, but section 3763 of this title was section 513 of Pub. L. 90-351 prior to renumbering as section 517 by Pub. L. 101-647, title XVIII, §1801(a)(6), Nov. 29, 1990, 104 Stat. 4847.

§ 3796gg-2. Definitions

In this subchapter—

(1) 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 adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction receiving grant monies;

(2) the term “Indian country” has the meaning stated in section 1151 of title 18;

(3) 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;

(4) the term “law enforcement” means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

(5) 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);

(6) 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;

(7) the term “underserved populations” includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities; and

(8) the term “victim services” means a non-profit, nongovernmental organization that assists domestic violence or sexual assault victims, including rape crisis centers, battered women’s shelters, and other sexual assault or domestic violence programs, including non-profit, nongovernmental organizations assisting domestic violence or sexual assault victims through the legal process.

(Pub. L. 90-351, title I, §2003, as added Pub. L. 103-322, title IV, §40121(a)(3), Sept. 13, 1994, 108 Stat. 1913.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (3), 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.

§ 3796gg-3. General terms and conditions

(a) Nonmonetary assistance

In addition to the assistance provided under this subchapter, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

(b) Reporting

Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

(1) the number of grants made and funds distributed under this subchapter;

(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

(4) an evaluation of the effectiveness of programs funded under this subchapter.

(c) Regulations or guidelines

Not later than 120 days after September 13, 1994, the Attorney General shall publish proposed regulations or guidelines implementing this subchapter. Not later than 180 days after September 13, 1994, the Attorney General shall publish final regulations or guidelines implementing this subchapter.

(Pub. L. 90-351, title I, §2004, as added Pub. L. 103-322, title IV, §40121(a)(3), Sept. 13, 1994, 108 Stat. 1914.)

§ 3796gg—4. Rape exam payments**(a) Restriction of funds****(1) In general**

A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) of this section for victims of sexual assault.

(2) Redistribution

Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

(b) Medical costs

A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

(1) provides such exams to victims free of charge to the victim;

(2) arranges for victims to obtain such exams free of charge to the victims; or

(3) reimburses victims for the cost of such exams if—

(A) the reimbursement covers the full cost of such exams, without any deductible requirement or limit on the amount of a reimbursement;

(B) the reimbursing governmental entity permits victims to apply for reimbursement for not less than one year from the date of the exam;

(C) the reimbursing governmental entity provides reimbursement not later than 90 days after written notification of the victim's expense; and

(D) the State, Indian tribal government, unit of local government, or reimbursing governmental entity provides information at the time of the exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement.

(Pub. L. 90-351, title I, § 2005, as added Pub. L. 103-322, title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1914.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796gg-1 of this title.

§ 3796gg—5. Filing costs for criminal charges**(a) In general**

A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this subchapter unless the State, Indian tribal government, or unit of local government—

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony do-

mestic violence offense, that the abused bear the costs associated with the filing of criminal charges against the domestic violence offender, or the costs associated with the issuance or service of a warrant, protection order, or witness subpoena; or

(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of—

(A) the period ending on the date on which the next session of the State legislature ends; or

(B) 2 years.

(b) Redistribution

Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) of this section shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.

(Pub. L. 90-351, title I, § 2006, as added Pub. L. 103-322, title IV, § 40121(a)(3), Sept. 13, 1994, 108 Stat. 1915.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796gg-1 of this title.

SUBCHAPTER XII-I—GRANTS TO
ENCOURAGE ARREST POLICIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3782, 3783, 3793 of this title.

§ 3796hh. Grants**(a) Purpose**

The purpose of this subchapter is to encourage States, Indian tribal governments, and units of local government to treat domestic violence as a serious violation of criminal law.

(b) Grant authority

The Attorney General may make grants to eligible States, Indian tribal governments, or units of local government for the following purposes:

(1) To implement mandatory arrest or pre-arrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations.

(2) To develop policies and training in police departments to improve tracking of cases involving domestic violence.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, or judges.

(4) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

(5) To strengthen legal advocacy service programs for victims of domestic violence.

(6) To educate judges in criminal and other courts about domestic violence and to improve judicial handling of such cases.

(c) Eligibility

Eligible grantees are States, Indian tribal governments, or units of local government that—

(1) certify that their laws or official policies—

(A) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

(B) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(2) demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

(3) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and

(4) certify that their laws, policies, or practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser, or that the abused bear the costs associated with the issuance or service of a warrant, protection order, or witness subpoena.

(Pub. L. 90-351, title I, § 2101, as added Pub. L. 103-322, title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1932.)

PRIOR PROVISIONS

A prior section 2101 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796hh-1 of this title.

§ 3796hh-1. Applications

(a) Application

An eligible grantee shall submit an application to the Attorney General that—

(1) contains a certification by the chief executive officer of the State, Indian tribal government, or local government entity that the conditions of section 3796hh(c) of this title are met or will be met within the later of—

(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

(B) 2 years of September 13, 1994;

(2) describes plans to further the purposes stated in section 3796hh(a) of this title;

(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

(4) includes documentation from nonprofit, private sexual assault and domestic violence programs demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) Priority

In awarding grants under this subchapter, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts; and

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence.

(Pub. L. 90-351, title I, § 2102, as added Pub. L. 103-322, title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1933.)

§ 3796hh-2. Reports

Each grantee receiving funds under this subchapter shall submit a report to the Attorney General evaluating the effectiveness of projects developed with funds provided under this subchapter and containing such additional information as the Attorney General may prescribe.

(Pub. L. 90-351, title I, § 2103, as added Pub. L. 103-322, title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1933.)

§ 3796hh-3. Regulations or guidelines

Not later than 120 days after September 13, 1994, the Attorney General shall publish proposed regulations or guidelines implementing this subchapter. Not later than 180 days after September 13, 1994, the Attorney General shall publish final regulations or guidelines implementing this subchapter.

(Pub. L. 90-351, title I, § 2104, as added Pub. L. 103-322, title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1933.)

§ 3796hh-4. Definitions

For purposes of this subchapter—

(1) 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 adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the eligible State, Indian tribal government, or unit of local government that receives a grant under this subchapter; and

(2) the term “protection order” includes any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.

(Pub. L. 90-351, title I, § 2105, as added Pub. L. 103-322, title IV, § 40231(a)(3), Sept. 13, 1994, 108 Stat. 1933.)

SUBCHAPTER XII-J—DRUG COURTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3793 of this title.

§ 3796ii. Grant authority

The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve—

(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

(2) the integrated administration of other sanctions and services, which shall include—

(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(B) substance abuse treatment for each participant;

(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

(Pub. L. 90-351, title I, § 2201, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1956.)

PRIOR PROVISIONS

A prior section 2201 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

STUDY BY GENERAL ACCOUNTING OFFICE

Section 50002 of Pub. L. 103-322 provided that:

“(a) IN GENERAL.—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3796ii et seq.] as added by section 50001(a) and report to Congress the results of the study on or before January 1, 1997.

“(b) DOCUMENTS AND INFORMATION.—The Attorney General and grant recipients shall provide the Comptroller General with all relevant documents and information that the Comptroller General deems necessary to conduct the study under subsection (a), including the identities and criminal records of program participants.

“(c) CRITERIA.—In assessing the effectiveness of the grants made under programs authorized by part V [of title I] of the Omnibus Crime Control and Safe Streets Act of 1968, the Comptroller General shall consider, among other things—

“(1) recidivism rates of program participants;
“(2) completion rates among program participants;
“(3) drug use by program participants; and
“(4) the costs of the program to the criminal justice system.”

§ 3796ii-1. Prohibition of participation by violent offenders

The Attorney General shall—

(1) issue regulations and guidelines to ensure that the programs authorized in this subchapter do not permit participation by violent offenders; and

(2) immediately suspend funding for any grant under this subchapter, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this subchapter.

(Pub. L. 90-351, title I, § 2202, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1956.)

§ 3796ii-2. “Violent offender” defined

In this subchapter, “violent offender” means a person who—

(1) is charged with or convicted of an offense, during the course of which offense or conduct—

(A) the person carried, possessed, or used a firearm or dangerous weapon;

(B) there occurred the death of or serious bodily injury to any person; or

(C) there occurred the use of force against the person of another,

without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

(Pub. L. 90-351, title I, § 2203, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1956.)

§ 3796ii-3. Administration**(a) Consultation**

The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this subchapter.

(b) Use of components

The Attorney General may utilize any component or components of the Department of Justice in carrying out this subchapter.

(c) Regulatory authority

The Attorney General may issue regulations and guidelines necessary to carry out this subchapter.

(d) Applications

In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this subchapter shall—

(1) include a long-term strategy and detailed implementation plan;

(2) explain the applicant’s inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate consultation with all affected agencies and

that there will be appropriate coordination with all affected agencies in the implementation of the program;

(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

(8) describe the methodology that will be used in evaluating the program.

(Pub. L. 90-351, title I, § 2204, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1956.)

§ 3796ii-4. Applications

To request funds under this subchapter, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(Pub. L. 90-351, title I, § 2205, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1957.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796ii-5 of this title.

§ 3796ii-5. Federal share

The Federal share of a grant made under this subchapter may not exceed 75 percent of the total costs of the program described in the application submitted under section 3796ii-4 of this title for the fiscal year for which the program receives assistance under this subchapter, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of a grant.

(Pub. L. 90-351, title I, § 2206, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1957.)

§ 3796ii-6. Geographic distribution

The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

(Pub. L. 90-351, title I, § 2207, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1957.)

§ 3796ii-7. Report

A State, Indian tribal government, or unit of local government that receives funds under this subchapter during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this subchapter.

(Pub. L. 90-351, title I, § 2208, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1957.)

§ 3796ii-8. Technical assistance, training, and evaluation

(a) Technical assistance and training

The Attorney General may provide technical assistance and training in furtherance of the purposes of this subchapter.

(b) Evaluations

In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this subchapter.

(c) Administration

The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.

(Pub. L. 90-351, title I, § 2209, as added Pub. L. 103-322, title V, § 50001(a)(3), Sept. 13, 1994, 108 Stat. 1958.)

SUBCHAPTER XII-K—FAMILY SUPPORT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3793 of this title.

§ 3796jj. Duties

The Attorney General shall—

(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

(6) determine issues to be researched by the Department of Justice and by grant recipients.

(Pub. L. 90-351, title I, § 2301, as added Pub. L. 103-322, title XXI, § 210201(a)(3), Sept. 13, 1994, 108 Stat. 2062.)

PRIOR PROVISIONS

A prior section 2301 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

§ 3796jj-1. General authorization

The Attorney General may make grants to States and local law enforcement agencies and

to organizations representing State or local law enforcement personnel to provide family support services to law enforcement personnel.

(Pub. L. 90-351, title I, § 2302, as added Pub. L. 103-322, title XXI, § 210201(a)(3), Sept. 13, 1994, 108 Stat. 2062.)

§ 3796jj-2. Uses of funds

(a) In general

A State or local law enforcement agency or organization that receives a grant under this subchapter¹ shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

(b) Required activities

A law enforcement agency or organization that receives funds under this subchapter shall provide at least one of the following services:

- (1) Counseling for law enforcement family members.
- (2) Child care on a 24-hour basis.
- (3) Marital and adolescent support groups.
- (4) Stress reduction programs.
- (5) Stress education for law enforcement recruits and families.
- (6) Technical assistance and training programs to support any or all of the services described in paragraphs (1), (2), (3), (4), and (5).

(c) Optional activities

A law enforcement agency or organization that receives funds under this subchapter may provide the following services:

- (1) Post-shooting debriefing for officers and their spouses.
- (2) Group therapy.
- (3) Hypertension clinics.
- (4) Critical incident response on a 24-hour basis.
- (5) Law enforcement family crisis telephone services on a 24-hour basis.
- (6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.
- (7) Counseling for peers.
- (8) Counseling for families of personnel killed in the line of duty.
- (9) Seminars regarding alcohol, drug use, gambling, and overeating.
- (10) Technical assistance and training to support any or all of the services described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

(Pub. L. 90-351, title I, § 2303, as added Pub. L. 103-322, title XXI, § 210201(a)(3), Sept. 13, 1994, 108 Stat. 2062.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this Act”, and was translated as reading “this part”, meaning part W of title I of Pub. L. 90-351, to reflect the probable intent of Congress.

§ 3796jj-3. Applications

A law enforcement agency or organization desiring to receive a grant under this subchapter shall submit to the Attorney General an appli-

cation at such time, in such manner, and containing or accompanied by such information as the Attorney General may reasonably require. Such application shall—

(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

(2) include a statement from the highest ranking law enforcement official from the State or locality or from the highest ranking official from the organization applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

(3) assure that the Attorney General or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this subchapter.

(Pub. L. 90-351, title I, § 2304, as added Pub. L. 103-322, title XXI, § 210201(a)(3), Sept. 13, 1994, 108 Stat. 2063.)

§ 3796jj-4. Award of grants; limitation

(a) Grant distribution

In approving grants under this subchapter, the Attorney General shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

(b) Duration

The Attorney General may award a grant each fiscal year, not to exceed \$100,000 to a State or local law enforcement agency or \$250,000 to a law enforcement organization for a period not to exceed 5 years. In any application from a State or local law enforcement agency or organization for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Attorney General shall review the progress made toward meeting the objectives of the program. The Attorney General may refuse to award a grant if the Attorney General finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

(c) Limitation

Not more than 5 percent of grant funds received by a State or a local law enforcement agency or organization may be used for administrative purposes.

(Pub. L. 90-351, title I, § 2305, as added Pub. L. 103-322, title XXI, § 210201(a)(3), Sept. 13, 1994, 108 Stat. 2063.)

§ 3796jj-5. Discretionary research grants

The Attorney General may reserve 10 percent of funds to award research grants to a State or local law enforcement agency or organization to study issues of importance in the law enforcement field as determined by the Attorney General.

(Pub. L. 90-351, title I, § 2306, as added Pub. L. 103-322, title XXI, § 210201(a)(3), Sept. 13, 1994, 108 Stat. 2064.)

¹ See References in Text note below.

§ 3796jj-6. Reports

A State or local law enforcement agency or organization that receives a grant under this subchapter shall submit to the Attorney General an annual report that includes—

- (1) program descriptions;
- (2) the number of staff employed to administer programs;
- (3) the number of individuals who participated in programs; and
- (4) an evaluation of the effectiveness of grant programs.

(Pub. L. 90-351, title I, § 2307, as added Pub. L. 103-322, title XXI, § 210201(a)(3), Sept. 13, 1994, 108 Stat. 2064.)

§ 3796jj-7. Definitions

For purposes of this subchapter—

- (1) the term “family-friendly policy” means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and
- (2) the term “law enforcement personnel” means individuals employed by Federal, State, and local law enforcement agencies.

(Pub. L. 90-351, title I, § 2308, as added Pub. L. 103-322, title XXI, § 210201(a)(3), Sept. 13, 1994, 108 Stat. 2064.)

SUBCHAPTER XII-L—DNA IDENTIFICATION GRANTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 3793, 14131 of this title.

§ 3796kk. Grant authorization

The Attorney General may make funds available under this subchapter to States and units of local government, or combinations thereof, to carry out all or a substantial part of a program or project intended to develop or improve the capability to analyze deoxyribonucleic acid (referred to in this subchapter as “DNA”) in a forensic laboratory.

(Pub. L. 90-351, title I, § 2401, as added Pub. L. 103-322, title XXI, § 210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2066.)

PRIOR PROVISIONS

A prior section 2401 of Pub. L. 90-351 was renumbered section 2501 and is classified to section 3797 of this title.

EFFECTIVE DATE

Subchapter effective 60 days after Sept. 13, 1994, see section 210302(c)(4) of Pub. L. 103-322, set out as an Effective Date of 1994 Amendment note under section 3751 of this title.

§ 3796kk-1. Applications

To request a grant under this subchapter, the chief executive officer of a State or unit of local government shall submit an application in such form as the Attorney General may require.

(Pub. L. 90-351, title I, § 2402, as added Pub. L. 103-322, title XXI, § 210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2066.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3796kk-5 of this title.

§ 3796kk-2. Application requirements

No grant may be made under this subchapter unless an application has been submitted to the Attorney General in which the applicant certifies that—

(1) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 14131 of this title.¹

(2) DNA samples obtained by and DNA analyses performed at the laboratory shall be made available only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

(3) the laboratory and each analyst performing DNA analyses at the laboratory shall undergo, at regular intervals not exceeding 180 days, external proficiency testing by a DNA proficiency testing program that meets the standards issued under section 14131 of this title.

(Pub. L. 90-351, title I, § 2403, as added Pub. L. 103-322, title XXI, § 210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2066.)

§ 3796kk-3. Administrative provisions**(a) Regulation authority**

The Attorney General may promulgate guidelines, regulations, and procedures, as necessary to carry out the purposes of this subchapter, including limitations on the number of awards made during each fiscal year, the submission and review of applications, selection criteria, and the extension or continuation of awards.

(b) Award authority

The Attorney General shall have final authority over all funds awarded under this subchapter.

(c) Technical assistance

To assist and measure the effectiveness and performance of programs and activities funded under this subchapter, the Attorney General may provide technical assistance as required.

(Pub. L. 90-351, title I, § 2404, as added Pub. L. 103-322, title XXI, § 210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2066.)

§ 3796kk-4. Restrictions on use of funds**(a) Federal share**

The Federal share of a grant, contract, or cooperative agreement made under this sub-

¹ So in original. The period probably should be a semicolon.

chapter may not exceed 75 percent of the total costs of the project described in the application submitted for the fiscal year for which the project receives assistance.

(b) Administrative costs

A State or unit of local government may not use more than 10 percent of the funds it receives from¹ this subchapter for administrative expenses.

(Pub. L. 90-351, title I, § 2405, as added Pub. L. 103-322, title XXI, § 210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2067.)

§ 3796kk-5. Reports

(a) Reports to Attorney General

Each State or unit of local government which receives a grant under this subchapter shall submit to the Attorney General, for each year in which funds from a grant received under this subchapter 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 submitted under section 3796kk-1 of this title; and

(2) such other information as the Attorney General may require.

(b) Reports to Congress

Not later than 90 days after the end of each fiscal year for which grants are made under this subchapter, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report that includes—

(1) the aggregate amount of grants made under this subchapter to each State or unit of local government for such fiscal year; and

(2) a summary of the information provided in compliance with subsection (a)(1) of this section.

(Pub. L. 90-351, title I, § 2406, as added Pub. L. 103-322, title XXI, § 210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2067.)

§ 3796kk-6. Expenditure records

(a) Records

Each State or unit of local government which receives a grant under this subchapter shall keep records as the Attorney General may require to facilitate an effective audit.

(b) Access

The Attorney General, the Comptroller General, or their designated agents shall have access, for the purpose of audit and examination, to any books, documents, and records of States and units of local government which receive grants made under this subchapter if, in the opinion of the Attorney General, the Comptroller General, or their designated agents, such books, documents, and records are related to the receipt or use of any such grant.

(Pub. L. 90-351, title I, § 2407, as added Pub. L. 103-322, title XXI, § 210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2067.)

**SUBCHAPTER XIII—TRANSITION;
EFFECTIVE DATE; REPEALER**

§ 3797. Continuation of rules, authorities, and proceedings

(a) Continuing status until otherwise affected

(1) All orders, determinations, rules, regulations, and instructions of the Law Enforcement Assistance Administration which are in effect on December 27, 1979, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, the Office of Justice Assistance, Research, and Statistics or the Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the Law Enforcement Assistance Administration with respect to their functions under this chapter or by operation of law.

(2) All orders, determinations, rules, regulations, and instructions issued under this chapter which are in effect on October 12, 1984, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Attorney General, the Assistant Attorney General, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or the Director of the Bureau of Justice Assistance with respect to their functions under this chapter or by operation of law.

(b) Obligation by Director of National Institute of Justice of previously appropriated unused or reversionary funds for continuation of research and development projects or purposes of this chapter

The Director of the National Institute of Justice may award new grants, enter into new contracts or cooperative agreements, or otherwise obligate previously appropriated unused or reversionary funds for the continuation of research and development projects in accordance with the provisions of this chapter as in effect on the day before December 27, 1979, based upon applications received under this chapter before December 27, 1979, or for purposes consistent with provisions of this chapter.

(c) Obligation by Director of Bureau of Justice Statistics of pre-fiscal year 1980 appropriated funds for statistical projects or purposes of this chapter

The Director of the Bureau of Justice Statistics may award new grants, enter into new contracts or cooperative agreements or otherwise obligate funds appropriated for fiscal years before 1980 for statistical projects to be expended in accordance with the provisions of this chapter, as in effect on the day before December 27, 1979, based upon applications received under this chapter before December 27, 1979, or for purposes consistent with provisions of this chapter.

¹ So in original. Probably should be "under".

(d) Obligation by Administrator of Law Enforcement Assistance Administration of previously appropriated unused or reversionary funds or presently appropriated funds for continuation of projects or purposes of this chapter

The Administrator of the Law Enforcement Assistance Administration may award new grants, enter into new contracts or cooperative agreements, approve comprehensive plans for the fiscal year beginning October 1, 1979, and otherwise obligate previously appropriated unused or reversionary funds or funds appropriated for the fiscal year beginning October 1, 1979, for the continuation of projects in accordance with the provisions of this chapter, as in effect on the day before December 27, 1979, or for purposes consistent with provisions of this chapter.

(e) Pending suits, actions, or other proceedings unaffected

The amendments made to this chapter by the Justice System Improvement Act of 1979 shall not affect any suit, action, or other proceeding commenced by or against the Government before December 27, 1979.

(f) Appropriated funds available for audit matters and continuing programs and projects

Nothing in this chapter prevents the utilization of funds appropriated for purposes of this chapter for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this chapter. The final disposition and dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this chapter, as in effect before December 27, 1979, which continue in operation beyond December 27, 1979, may be carried out with funds appropriated for purposes of this chapter.

(g) Transfer of personnel pursuant to performance-of-functions standard; determination of interim positions for Administrator and Deputy Administrators by Attorney General

Except as otherwise provided in this chapter, the personnel employed on December 27, 1979, by the Law Enforcement Assistance Administration are transferred as appropriate to the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice or the Bureau of Justice Statistics, considering the function to be performed by these organizational units and the functions previously performed by the employee. Determinations as to specific positions to be filled in an acting capacity for a period of not more than ninety days by the Administrator and Deputy Administrators employed on December 27, 1979, may be made by the Attorney General notwithstanding any other provision of law.

(h) Unobligated funds of a State or unit of local government available for cost of any program or project

Any funds made available under subchapters II, III, and V¹ of this chapter, as in effect before December 27, 1979, which are not obligated by a

State or unit of local government, may be used to provide up to 100 per centum of the cost of any program or project.

(i) State criminal justice council as the State planning agency for carrying out predecessor provisions

Notwithstanding any other provision of this chapter, all provisions of this chapter, as in effect on the day before December 27, 1979, which are necessary to carry out the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.], remain in effect for the sole purpose of carrying out the Juvenile Justice and Delinquency Prevention Act of 1974, and the State criminal justice council established under this chapter shall serve as the State planning agency for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974.

(j) Construction project funding for additional two years

Notwithstanding the provisions of section 3744(c)(3)¹ of this title, any construction projects which were funded under this chapter, as in effect before December 27, 1979, and which were budgeted in anticipation of receiving additional Federal funding for such construction may continue for two years to be funded under this chapter.

(Pub. L. 90-351, title I, §2501, formerly §1301, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1221; amended Pub. L. 98-473, title II, §609G, Oct. 12, 1984, 98 Stat. 2100; renumbered §1401, Pub. L. 99-570, title I, §1552(a)(2), Oct. 27, 1986, 100 Stat. 3207-41; renumbered §1501, renumbered §1601, Pub. L. 101-647, title II, §241(a)(1)(B), title VIII, §801(a)(2), Nov. 29, 1990, 104 Stat. 4810, 4825; renumbered §1701, Pub. L. 102-521, §4(a)(2), Oct. 25, 1992, 106 Stat. 3404; renumbered §1801, renumbered §1901, renumbered §2001, renumbered §2101, renumbered §2201, renumbered §2301, renumbered §2401, renumbered §2501, Pub. L. 103-322, title I, §10003(a)(2), title II, §20201(a)(2), title III, §32101(a)(2), title IV, §§40121(a)(2), 40231(a)(2), title V, §50001(a)(2), title XXI, §§210201(a)(2), 210302(c)(1)(B), Sept. 13, 1994, 108 Stat. 1808, 1819, 1898, 1910, 1932, 1955, 2062, 2066.)

REFERENCES IN TEXT

The Justice System Improvement Act of 1979, referred to in subsec. (e), is Pub. L. 96-157, Dec. 27, 1979, 93 Stat. 1167, as amended, which is classified principally to this chapter (§3701 et seq.). For complete classification of this Act to the Code, see Short Title of 1979 Amendment note under section 3711 of this title and Tables.

Subchapter V of this chapter, referred to in subsec. (h), was repealed and former subchapter VI was redesignated as V by Pub. L. 98-473, title II, §§607, 608(e), Oct. 12, 1984, 98 Stat. 2086, 2087, which was also repealed and a new subchapter V enacted by Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4328.

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in subsec. (i), is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§5601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 5601 of this title and Tables.

Section 3744(c)(3) of this title, referred to in subsec. (j), is a reference to section 3744(c)(3) of this title as in effect prior to the general amendment of section 3744 of

¹ See References in Text note below.

this title by Pub. L. 98-473, and subsequent repeal by Pub. L. 100-690, title VI, § 6091(a), Nov. 18, 1988, 102 Stat. 4328.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-473, § 609G(1), designated existing provisions as par. (1) and added par. (2).

Subsecs. (j), (k). Pub. L. 98-473, § 609G(2), (3), redesignated subsec. (k) as (j) and struck out former subsec. (j) relating to State planning agency meeting representation requirement as competent to carry out functions, powers, and duties of State criminal justice council.

EFFECTIVE DATE OF 1984 AMENDMENT

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

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION; CLOSE-OUT OF OPERATIONS AND TRANSFER OF REMAINING FUNCTIONS

The operations of the Law Enforcement Assistance Administration were closed out by the Justice Department due to lack of appropriations, and the remaining programs and staff transferred to the Office of Justice Assistance, Research, and Statistics, effective Apr. 15, 1982, see Notice of Department of Justice, Office of Justice Assistance, Research, and Statistics, Apr. 19, 1982, 47 F.R. 16694.

CHAPTER 47—JUVENILE DELINQUENCY PREVENTION AND CONTROL

§ 3801. Omitted

CODIFICATION

Section, Pub. L. 90-445, § 2, as added Pub. L. 92-381, § 1, Aug. 14, 1972, 86 Stat. 532, which set out the Congressional findings and declaration of purpose for this chapter, was omitted in view of appropriations not being authorized for fiscal years after 1975.

A prior section 3801, Pub. L. 90-445, § 2, July 31, 1968, 82 Stat. 462, related to similar subject matter, prior to the general amendment of Pub. L. 90-445 by section 1 of Pub. L. 92-381.

SUBCHAPTER I—PREVENTIVE SERVICES AND DEMONSTRATION PROGRAMS

PART A—COMMUNITY-BASED COORDINATED YOUTH SERVICES

§§ 3811 to 3814. Omitted

CODIFICATION

Appropriations for this part have not been authorized for fiscal years after 1975.

Section 3811, Pub. L. 90-445, title I, § 101, as added Pub. L. 92-381, § 1, Aug. 14, 1972, 86 Stat. 532; amended Pub. L. 93-415, title IV, § 401(3), Sept. 7, 1974, 88 Stat. 1132, set out Congressional statement of purpose for community-based coordinated youth services.

A prior section 3811, Pub. L. 90-445, title I, § 101, July 31, 1968, 82 Stat. 463, related to Secretary's authority to make grants for State and local planning, prior to the general amendment of Pub. L. 90-445 by section 1 of Pub. L. 92-381.

Provisions similar to those comprising this section were contained in prior sections 3821 and 3831, Pub. L. 90-445, title I, §§ 111, 121, July 31, 1968, 82 Stat. 463, 465, prior to the general amendment of Pub. L. 90-445 by section 1 of Pub. L. 92-381.

Title IV of Pub. L. 93-415 was repealed by Pub. L. 95-115, § 10, Oct. 3, 1977, 91 Stat. 1061.

Section 3812, Pub. L. 90-445, title I, § 102, as added Pub. L. 92-381, § 1, Aug. 14, 1972, 86 Stat. 532; amended Pub. L. 93-415, title IV, § 401(3), Sept. 7, 1974, 88 Stat. 1132, related to grants for planning community-based programs.

A prior section 3812, Pub. L. 90-445, title I, § 102, July 31, 1968, 82 Stat. 463, related to grants for planning projects or programs, prior to the general amendment of Pub. L. 90-445 by section 1 of Pub. L. 92-381.

Provisions similar to those comprising subsec. (b) of this section were contained in prior sections 3822, 3823, 3832, 3833, Pub. L. 90-445, title I, §§ 112, 113, 122, 123, July 31, 1968, 82 Stat. 464, 465, prior to the general amendment of Pub. L. 90-445 by section 1 of Pub. L. 92-381.

Title IV of Pub. L. 93-415 was repealed by Pub. L. 95-115, § 10, Oct. 3, 1977, 91 Stat. 1061.

Section 3813, Pub. L. 90-445, title I, § 103, as added Pub. L. 92-381, § 1, Aug. 14, 1972, 86 Stat. 533; amended Pub. L. 93-415, title IV, § 401(3), Sept. 7, 1974, 88 Stat. 1132, related to use of funds for community-based youth services.

Provisions similar to those comprising this section were contained in prior section 3843, Pub. L. 90-445, title I, § 133, July 31, 1968, 82 Stat. 468, prior to the general amendment of Pub. L. 90-445 by section 1 of Pub. L. 92-381.

Title IV of Pub. L. 93-415 was repealed by Pub. L. 95-115, § 10, Oct. 3, 1977, 91 Stat. 1061.

Section 3814, Pub. L. 90-445, title I, § 104, as added Pub. L. 92-381, § 1, Aug. 14, 1972, 86 Stat. 534; amended Pub. L. 93-415, title IV, § 401(3), Sept. 7, 1974, 88 Stat. 1132, related to considerations in the approval of applications for grants or contracts involving community-based youth services.

Title IV of Pub. L. 93-415 was repealed by Pub. L. 95-115, § 10, Oct. 3, 1977, 91 Stat. 1061.

PART B—DEMONSTRATIONS IN YOUTH DEVELOPMENT

§ 3821. Omitted

CODIFICATION

Section, Pub. L. 90-445, title I, § 105, as added Pub. L. 93-415, title IV, § 401(4), Sept. 7, 1974, 88 Stat. 1132, which related to grants for demonstrations of innovative approaches to youth development, was omitted in view of appropriations not being authorized for fiscal years after 1975.

Prior sections 3821 to 3845 were omitted in the general amendment of Pub. L. 90-445 by Pub. L. 92-381, § 1, Aug. 14, 1972, 86 Stat. 532.

A prior section 3821, Pub. L. 90-445, title I, § 111, July 31, 1968, 82 Stat. 463, set out Congressional statement of purpose of rehabilitative services.

A prior section 3822, Pub. L. 90-445, title I, § 112, July 31, 1968, 82 Stat. 463; Pub. L. 92-31, § 2(a), June 30, 1971, 85 Stat. 84, related to authorization of grants.

A prior section 3823, Pub. L. 90-445, title I, § 113, July 31, 1968, 82 Stat. 464; Pub. L. 92-31, § 2(b), June 30, 1971, 85 Stat. 84, related to assurances and information required to be presented in applications for grants.

A prior section 3831, Pub. L. 90-445, title I, § 121, July 31, 1968, 82 Stat. 465, related to Congressional statement of purpose of preventive services.

A prior section 3832, Pub. L. 90-445, title I, § 122, July 31, 1968, 82 Stat. 465, related to authorization of grants.

A prior section 3833, Pub. L. 90-445, title I, § 123, July 31, 1968, 82 Stat. 465, related to assurances and information required to be presented in application for grants.

A prior section 3841, Pub. L. 90-445, title I, § 131, July 31, 1968, 82 Stat. 466, related to requirements, procedure for approval, and approval of State plans for grants.

A prior section 3842, Pub. L. 90-445, title I, § 132, July 31, 1968, 82 Stat. 468, related to making of grants directly to public and other agencies.

A prior section 3843, Pub. L. 90-445, title I, § 133, July 31, 1968, 82 Stat. 468, related to use of funds and labor standards.

A prior section 3844, Pub. L. 90-445, title I, § 134, July 31, 1968, 82 Stat. 469, related to submission of copies of applications for grants to State officials and evaluation of projects by them.

A prior section 3845, Pub. L. 90-445, title I, § 135, July 31, 1968, 82 Stat. 469, related to considerations for approval of applications.