

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.

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.

PART A—EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

PRIOR PROVISIONS

A prior part A, consisting of sections 3751 to 3759, related to the drug control and system improvement grant program, prior to repeal by Pub. L. 109-162, title XI, §1111(a)(1), (d), Jan. 5, 2006, 119 Stat. 3094, 3102, applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter.

Section 3751, 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; Pub. L. 104-132, title VIII, §822(a), Apr. 24, 1996, 110 Stat. 1317; Pub. L. 106-177, title I, §103, Mar. 10, 2000, 114 Stat. 35; Pub. L. 106-310, div. B, title XXXVI, §3621(b), Oct. 17, 2000, 114 Stat. 1231; Pub. L. 106-561, §2(a), Dec. 21, 2000, 114 Stat. 2787, related to description of drug control and system improvement grant program.

Section 3752, Pub. L. 90-351, title I, §502, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4331, related to eligibility of a State for financial assistance.

Section 3753, 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; Pub. L. 106-546, §8(a), Dec. 19, 2000, 114 Stat. 2734; Pub. L. 106-561, §2(b), Dec. 21, 2000, 114 Stat. 2787; Pub. L. 107-273, div. B, title V, §5001(a), Nov. 2, 2002, 116 Stat. 1813, related to State applications. See section 3752 of this title.

Section 3754, 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; Pub. L. 107-273, div. A, title II, §203(a)(1), Nov. 2, 2002, 116 Stat. 1775, related to grant limitations.

Section 3755, Pub. L. 90-351, title I, §505, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4333, related to review of State applications.

Section 3756, 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; Pub. L. 107-273, div. A, title II, §203(a)(2), Nov. 2, 2002, 116 Stat. 1775, related to allocation and distribution of funds under formula grants. See section 3755(a) of this title.

Section 3757, Pub. L. 90-351, title I, §507, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4335, related to designation and purposes of a State office.

Section 3758, Pub. L. 90-351, title I, §508, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4335, related to distribution of grants to local government.

Section 3759, 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, related to improvement of criminal justice records.

§ 3750. Name of program

(a) In general

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

(b) References to former programs

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

(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 3756 of this title as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009,¹ shall be deemed to be a reference to section 3755(a) of this title as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.¹

(Pub. L. 90-351, title I, §500, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4329; amended Pub. L. 109-162, title XI, §1111(a)(2)(B), Jan. 5, 2006, 119 Stat. 3094.)

REFERENCES IN TEXT

The Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, referred to in subsec. (b)(2), probably means the Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. 109-162, Jan. 5, 2006, 119 Stat. 2960, which repealed section 3756 of this title and enacted section 3755 of this title.

¹ See References in Text notes below.

PRIOR PROVISIONS

Prior sections 3750a to 3750d were repealed by Pub. L. 109-162, title XI, §1111(b)(2), (d), Jan. 5, 2006, 119 Stat. 3101, 3102, applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter.

Section 3750a, Pub. L. 102-519, title I, §130, Oct. 25, 1992, 106 Stat. 3386, related to the purpose of former sections 3750a to 3750d, to supplement the provisions of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program to help States to curb motor vehicle thefts and related violence, and authorization of grants to Anti Car Theft Committees.

Section 3750b, Pub. L. 102-519, title I, §131, Oct. 25, 1992, 106 Stat. 3386, related to application for grants.

Section 3750c, Pub. L. 102-519, title I, §132, Oct. 25, 1992, 106 Stat. 3387, related to award of grants.

Section 3750d, Pub. L. 102-519, title I, §133, Oct. 25, 1992, 106 Stat. 3387, related to authorization of appropriations.

For other prior sections 3750 to 3750d of this title, see note set out preceding section 3741 of this title.

AMENDMENTS

2006—Pub. L. 109-162 substituted “Name of program” for “Name of programs” in section catchline and amended text generally. Prior to amendment, text read as follows: “The grant programs established under this subchapter shall be known as the ‘Edward Byrne Memorial State and Local Law Enforcement Assistance Programs’.”

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-162, title XI, §1111(d), Jan. 5, 2006, 119 Stat. 3102, provided that: “The amendments made by this section [enacting sections 3751 to 3758 of this title, amending this section and sections 3763, 3766, 3766b, 3782, 3789, 3791, 3796bb-1, 3796cc-1, 3796dd-1, 3796ff-1, and 14601 of this title, and repealing sections 3750a to 3750d, former sections 3751 to 3759, and sections 3760 to 3762 of this title] shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act [Jan. 5, 2006] and each fiscal year thereafter.”

§ 3751. Description

(a) Grants authorized

(1) In general

From amounts made available to carry out this part, the Attorney General may, in accordance with the formula established under section 3755 of this title, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

- (A) Law enforcement programs.
- (B) Prosecution and court programs.
- (C) Prevention and education programs.
- (D) Corrections and community corrections programs.
- (E) Drug treatment and enforcement programs.
- (F) Planning, evaluation, and technology improvement programs.
- (G) Crime victim and witness programs (other than compensation).

(2) Rule of construction

Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was au-

thorized to be used under either or both of the programs specified in section 3750(b) of this title, as those programs were in effect immediately before January 5, 2006.

(b) Contracts and subawards

A State or unit of local government may, in using a grant under this part for purposes authorized by subsection (a) of this section, use all or a portion of that grant to contract with or make one or more subawards to one or more—

- (1) neighborhood or community-based organizations that are private and nonprofit; or
- (2) units of local government.

(c) Program assessment component; waiver

(1) Each program funded under this part shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

(d) Prohibited uses

Notwithstanding any other provision of this Act, no funds provided under this part may be used, directly or indirectly, to provide any of the following matters:

(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

- (A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);
- (B) luxury items;
- (C) real estate;
- (D) construction projects (other than penal or correctional institutions); or
- (E) any similar matters.

(e) Administrative costs

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

(f) Period

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

(g) Rule of construction

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

(Pub. L. 90-351, title I, §501, as added Pub. L. 109-162, title XI, §1111(a)(2)(C), Jan. 5, 2006, 119 Stat. 3095; amended Pub. L. 109-271, §8(h), Aug. 12, 2006, 120 Stat. 767.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is Pub. L. 90-351, June 19, 1968, 82 Stat. 197, as amended, known as the

Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title note set out under section 3711 of this title and Tables.

PRIOR PROVISIONS

For prior sections 501 of Pub. L. 90-351 and prior sections 3751 of this title, see notes set out preceding section 3750 of this title.

AMENDMENTS

2006—Subsec. (b)(3). Pub. L. 109-271 struck out par. (3) which read as follows: “tribal governments.”

EFFECTIVE DATE

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

§ 3752. Applications

To request a grant under this part, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 120 days after the date on which funds to carry out this part are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

(1) A certification that Federal funds made available under 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.

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

(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

(A) the application (or amendment) was made public; and

(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

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

(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

(A) the programs to be funded by the grant meet all the requirements of this part;

(B) all the information contained in the application is correct;

(C) there has been appropriate coordination with affected agencies; and

(D) the applicant will comply with all provisions of this part and all other applicable Federal laws.

(Pub. L. 90-351, title I, §502, as added Pub. L. 109-162, title XI, §1111(a)(2)(C), Jan. 5, 2006, 119 Stat. 3096; amended Pub. L. 109-271, §8(i), Aug. 12, 2006, 120 Stat. 767.)

PRIOR PROVISIONS

For prior sections 502 of Pub. L. 90-351 and prior sections 3752 of this title, see notes set out preceding section 3750 of this title.

AMENDMENTS

2006—Pub. L. 109-271 substituted “120 days” for “90 days” in introductory provisions.

EFFECTIVE DATE

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

§ 3753. Review of applications

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

(Pub. L. 90-351, title I, §503, as added Pub. L. 109-162, title XI, §1111(a)(2)(C), Jan. 5, 2006, 119 Stat. 3097.)

PRIOR PROVISIONS

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

EFFECTIVE DATE

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

§ 3754. Rules

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

(Pub. L. 90-351, title I, §504, as added Pub. L. 109-162, title XI, §1111(a)(2)(C), Jan. 5, 2006, 119 Stat. 3097.)

PRIOR PROVISIONS

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

EFFECTIVE DATE

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

§ 3755. Formula**(a) Allocation among States****(1) In general**

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

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

- (i) the total population of a State to—
- (ii) the total population of the United States; and

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

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

(2) Minimum allocation

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

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

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

(b) Allocation between States and units of local government

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

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

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

(c) Allocation for State governments**(1) In general**

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

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

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

(2) Remaining amounts

Except as provided in subsection (e)(1) of this section, any amounts remaining after the

allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 3751 of this title.

(d) Allocations to local governments**(1) In general**

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

(2) Allocation**(A) In general**

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

(B) Transitional rule

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

(3) Annexed units

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

(4) Resolution of disparate allocations

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

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

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

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

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

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

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

(e) Limitation on allocations to units of local government

(1) Maximum allocation

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

(2) Allocations under \$10,000

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

(3) Non-reporting units

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

(f) Funds not used by the State

If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this part, or that a State chooses not to participate in the program established under this part, then

such State’s allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

(g) Special rules for Puerto Rico

(1) All funds set aside for Commonwealth government

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

(2) No local allocations

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

(h) Units of local government in Louisiana

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

(Pub. L. 90-351, title I, §505, as added Pub. L. 109-162, title XI, §1111(a)(2)(C), Jan. 5, 2006, 119 Stat. 3097.)

PRIOR PROVISIONS

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

EFFECTIVE DATE

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

§ 3756. Reserved funds

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

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

(2) \$20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

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

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

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

(Pub. L. 90-351, title I, §506, as added Pub. L. 109-162, title XI, §1111(a)(2)(C), Jan. 5, 2006, 119 Stat. 3100.)

PRIOR PROVISIONS

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

EFFECTIVE DATE

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

§ 3757. Interest-bearing trust funds

(a) Trust fund required

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

(b) Expenditures

(1) In general

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

(2) Repayment

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

(3) Reduction of future amounts

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

(c) Repaid amounts

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

(Pub. L. 90-351, title I, §507, as added Pub. L. 109-162, title XI, §1111(a)(2)(C), Jan. 5, 2006, 119 Stat. 3100.)

PRIOR PROVISIONS

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

EFFECTIVE DATE

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

§ 3758. Authorization of appropriations

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

(Pub. L. 90-351, title I, §508, as added Pub. L. 109-162, title XI, §1111(a)(2)(C), Jan. 5, 2006, 119 Stat. 3101; amended Pub. L. 110-294, §1, July 30, 2008, 122 Stat. 2971.)

PRIOR PROVISIONS

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

AMENDMENTS

2008—Pub. L. 110-294 substituted “for each of the fiscal years 2006 through 2012” for “for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009”.

EFFECTIVE DATE

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

PART B—DISCRETIONARY GRANTS

SUBPART 1—GRANTS TO PUBLIC AND PRIVATE ENTITIES

§§ 3760 to 3762. Repealed. Pub. L. 109-162, title XI, § 1111(b)(1), Jan. 5, 2006, 119 Stat. 3101

Section 3760, 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; Pub. L. 105-277, div. A, §101(b) [title I, §120(a)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-70; Pub. L. 107-273, div. A, title II, §203(a)(3), (4), Nov. 2, 2002, 116 Stat. 1775, related to purposes of grants to public and private entities.

Section 3761, 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; Pub. L. 107-273, div. A, title II, §203(a)(5), Nov. 2, 2002, 116 Stat. 1775, related to allocation of funds for grants.

Section 3762, Pub. L. 90-351, title I, §512, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4336, related to limitation on use of discretionary grant funds.

PRIOR PROVISIONS

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

EFFECTIVE DATE OF REPEAL

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

SUBPART 2—GRANTS TO PUBLIC AGENCIES

§ 3762a. Correctional options grants

(a) Authority to make grants

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

(1) 4 grants in each fiscal year, in various geographical areas throughout the United

States, to public agencies for correctional options (including the cost of construction) that provide alternatives to traditional modes of incarceration and offender release programs—

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

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

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

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

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

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

(2) grants to private nonprofit organizations—

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

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

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

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

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

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

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

(b) Selection of grantees

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

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

(2) give priority to public agencies that clearly demonstrate that the capacity of their correctional facilities is inadequate to accommodate the number of individuals who are convicted of offenses punishable by a term of imprisonment exceeding 1 year.

Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.

(c) Consultations

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

(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; Pub. L. 110-177, title III, § 302(a), Jan. 7, 2008, 121 Stat. 2539.)

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 was set out as a note under section 2391 of Title 10, Armed Forces, prior to repeal by Pub. L. 105-261, div. A, title X, § 1031(b), Oct. 17, 1998, 112 Stat. 2123.

PRIOR PROVISIONS

For prior section 515 of Pub. L. 90-351, see note set out preceding section 3750 of this title.

AMENDMENTS

2008—Subsec. (a)(4). Pub. L. 110-177, § 302(a)(1), added par. (4).

Subsec. (b). Pub. L. 110-177, § 302(a)(2), inserted concluding provisions.

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 par. (2) substituted “public agencies” for “States”.

TRANSFER OF FUNCTIONS

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

§ 3762b. Allocation of funds; administrative provisions

(a) Allocation of funds

Of the total amount appropriated for this subpart in any fiscal year, 70 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, 10 percent shall be used to make grants under section 3762a(a)(3) of this title, and 10 percent for section 3762a(a)(4) 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; Pub. L. 110-177, title III, §302(b), Jan. 7, 2008, 121 Stat. 2539.)

PRIOR PROVISIONS

For prior section 516 of Pub. L. 90-351, see note set out preceding section 3750 of this title.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-177 substituted “70” for “80” and “3762a(a)(2) of this title, 10” for “3762a(a)(2) of this title, and 10” and inserted “, and 10 percent for section 3762a(a)(4) of this title” before period at end.

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)”.

TRANSFER OF FUNCTIONS

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

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 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; Pub. L. 109-162, title XI, §1111(c)(2)(A), Jan. 5, 2006, 119 Stat. 3101.)

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

2006—Subsec. (a)(1). Pub. L. 109-162 substituted “pursuant to section 3762a” for “pursuant to section 3761 or 3762a”.

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.

EFFECTIVE DATE OF 2006 AMENDMENT

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

TRANSFER OF FUNCTIONS

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

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

AMENDMENTS

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

SUBPART 4—GRANTS TO PRIVATE ENTITIES

CODIFICATION

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

§ 3765. Crime prevention campaign grant**(a) Grant authorization**

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

(b) Application

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

(c) Use of funds

An organization that receives a grant under this section shall—

- (1) create and promote national public communications campaigns;
- (2) develop and distribute publications and other educational materials that promote crime prevention;
- (3) design and maintain web sites and related web-based materials and tools;
- (4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;
- (5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;
- (6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;
- (7) design, deliver, and assess demonstration programs;
- (8) operate McGruff-related programs, including McGruff Club;
- (9) operate the Teens, Crime, and Community Program; and
- (10) evaluate crime prevention programs and trends.

(d) Authorization of appropriations

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

- (1) for fiscal year 2007, \$7,000,000;
- (2) for fiscal year 2008, \$8,000,000;
- (3) for fiscal year 2009, \$9,000,000; and
- (4) for fiscal year 2010, \$10,000,000.

(Pub. L. 90-351, title I, §519, as added Pub. L. 109-248, title VI, §626, July 27, 2006, 120 Stat. 636.)

PRIOR PROVISIONS

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

PART C—ADMINISTRATIVE PROVISIONS

§ 3766. Evaluation**(a) Guidelines and comprehensive evaluations**

To increase the efficiency and effectiveness of programs funded under this subchapter, the National Institute of Justice shall—

(1) develop guidelines, in cooperation with the Bureau of Justice Assistance, to assist State and local units of government to conduct program evaluations; and

(2) conduct a reasonable number of comprehensive evaluations of programs funded under section 3755 (formula grants) and section 3762a (discretionary grants) of this title.

(b) Criteria for selecting programs for review

In selecting programs for review, the Director of the National Institute of Justice should consider—

(1) whether the program establishes or demonstrates a new and innovative approach to drug or crime control;

(2) the cost of the program to be evaluated and the number of similar programs funded under section 3755 (formula grants) of this title;

(3) whether the program has a high potential to be replicated in other jurisdictions; and

(4) whether there is substantial public awareness and community involvement in the program. Routine auditing, monitoring, and internal assessment of a State and local drug control program's progress shall be the sole responsibility of the Bureau of Justice Assistance.

(c) Annual report

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

(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; Pub. L. 109-162, title XI, §1111(c)(2)(B), Jan. 5, 2006, 119 Stat. 3101.)

PRIOR PROVISIONS

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

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-162, §1111(c)(2)(B)(i), substituted "program evaluations" for "the program evaluations as required by section 3751(c) of this title".

Subsec. (a)(2). Pub. L. 109-162, §1111(c)(2)(B)(ii), substituted "evaluations of programs funded under section 3755 (formula grants) and section 3762a (discretionary grants) of this title" for "evaluations of programs funded under section 3756 (formula grants) and sections 3761 and 3762a (discretionary grants) of this title".

Subsec. (b)(2). Pub. L. 109-162, §1111(c)(2)(B)(iii), substituted "programs funded under section 3755 (formula grants)" for "programs funded under section 3756 (formula grants) and section 3761 (discretionary grants)".

1990—Subsec. (a)(2). Pub. L. 101-647 substituted "sections 3761 and 3762a" for "section 3761".

EFFECTIVE DATE OF 2006 AMENDMENT

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

§ 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 3755 of this title shall submit to the Director, for each year in which any part of such grant is expended by a State or unit of local government, a report which contains—

(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the purposes of part A of this subchapter;

(2) a summary of the activities carried out in such year with any grant received under part B of this subchapter by such State;

(3) the evaluation result of programs and projects;

(4) an explanation of how the Federal funds provided under this subchapter were coordinated with State agencies receiving Federal funds for drug abuse education, prevention, treatment, and research activities; and

(5) such other information as the Director may require by rule.

Such report shall be submitted in such form and by such time as the Director may require by rule.

(b) Not later than 180 days after the end of each fiscal year for which grants are made under this subchapter, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of grants made under part A of this subchapter and part B of this subchapter to such State for such fiscal year;

(2) the amount of such grants awarded for each of the purposes specified in part A of this subchapter;

(3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a) of this section;

(4) an explanation of how Federal funds provided under this subchapter have been coordinated with Federal funds provided to States for drug abuse education, prevention, treatment, and research activities; and

(5) evaluation results of programs and projects and State strategy implementation.

(Pub. L. 90-351, title I, §522, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4337; amended Pub. L. 109-162, title XI, §1111(c)(2)(C), Jan. 5, 2006, 119 Stat. 3101.)

PRIOR PROVISIONS

For prior sections 523, 524, and 526 of Pub. L. 90-351 and prior sections 3767 and 3768 of this title, see note set out preceding section 3750 of this title.

AMENDMENTS

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

EFFECTIVE DATE OF 2006 AMENDMENT

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

TRANSFER OF FUNCTIONS

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

SUBCHAPTER VI—CRIMINAL JUSTICE FACILITY CONSTRUCTION: PILOT PROGRAM

§§ 3769 to 3769d. Repealed. Pub. L. 109-162, title XI, § 1154(a), Jan. 5, 2006, 119 Stat. 3113

Section 3769, Pub. L. 90-351, title I, §601, as added Pub. L. 98-473, title II, §609, Oct. 12, 1984, 98 Stat. 2088, related to authority for payments.

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

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

Section 3769a, 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, related to eligibility for assistance.

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.

Section 3769b, 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, related to application, approval of application, and payment.

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.

Section 3769c, 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, related to recapture of funds from recipient of assistance.

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.

Section 3769d, 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, related to a clearinghouse on the construction and modernization of criminal justice facilities.

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.

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