

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) 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), 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, 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.

CODIFICATION

Section was formerly classified to section 3762a of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 515 of Pub. L. 90-351, title I, 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, prior to the general amendment of title I of Pub. L. 90-351 by Pub. L. 96-157.

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 10142(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 10141 of this title.

§ 10172. 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 10171(a)(1) of this title, 10 percent shall be used to make grants under section 10171(a)(2) of this title, 10 percent shall be used to make grants under section 10171(a)(3) of this title, and 10 percent for section 10171(a)(4) of this title.

(b) Limit on grant share of cost

A grant made under paragraph (1) or (3) of section 10171(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.)

CODIFICATION

Section was formerly classified to section 3762b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

PRIOR PROVISIONS

A prior section 516 of Pub. L. 90-351, title I, 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 title I of Pub. L. 90-351, prior to the general amendment of title I of Pub. L. 90-351 by Pub. L. 96-157.

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 10142(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 10141 of this title.

SUBPART 2—GENERAL REQUIREMENTS

§ 10181. 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 10171 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.)

CODIFICATION

Section was formerly classified to section 3763 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

PRIOR PROVISIONS

A prior section 517 of Pub. L. 90-351, title I, 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, prior to the general amendment of title I of Pub. L. 90-351 by Pub. L. 96-157.

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 10151 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 10142(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 10141 of this title.

§ 10182. 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.)

CODIFICATION

Section was formerly classified to section 3764 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 518 of Pub. L. 90-351, title I, 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 title I of Pub. L. 90-351, prior to the general amendment of title I of Pub. L. 90-351 by Pub. L. 96-157.

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”.

SUBPART 3—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. Subpart 4 was subsequently editorially reclassified as subpart 3 of part B of subchapter V of this chapter.