

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 13775 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 12146. Definitions**

In this part—

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

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

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

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

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

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

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 13776 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PART C—FAMILY AND COMMUNITY ENDEAVOR  
SCHOOLS GRANT PROGRAM**§ 12161. Community schools youth services and supervision grant program****(a) Short title**

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

**(b) Definitions**

In this section—

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

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

(A) is a nonprofit organization, as defined in section 11103(23) of this title; and

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

- (i) Residents of the community.
- (ii) Business and civic leaders actively involved in providing employment and business development opportunities in the community.

(iii) Educators.

(iv) Religious organizations (which shall not provide any sectarian instruction or sectarian worship in connection with an activity funded under this subchapter).

(v) Law enforcement agencies.

(vi) Public housing agencies.

(vii) Other public agencies.

(viii) Other interested parties.

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

“Indian tribe” means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaska Native village (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“poverty line” means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 9902(2) of title 42<sup>1</sup> applicable to a family of the size involved).

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

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

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

**(c) Program authority****(1) In general****(A) Allocations for States and Indian country**

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

**(B) Grants to community-based organizations from allocations**

For such a fiscal year, the Secretary may award grants from the appropriate State or Indian country allocation determined under subparagraph (A) on a competitive basis to eligible community-based organizations to pay for the Federal share of assisting eligi-

<sup>1</sup>So in original. Probably should be followed by a closing parenthesis.

<sup>2</sup>See References in Text note below.

ble communities to develop and carry out programs in accordance with this section.

**(C) Reallocation**

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

**(2) Other fiscal years**

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

**(3) Administrative costs**

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

**(d) Program requirements**

**(1) Location**

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

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

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

(i) in a location that is easily accessible to children in the community; and

(ii) in compliance with all applicable local ordinances.

**(2) Use of funds**

Such community-based organization—

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

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

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

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

(B) in providing such extracurricular and academic programs, shall provide programs

such as curriculum-based supervised educational, work force preparation, entrepreneurship, cultural, health programs, social activities, arts and crafts programs, dance programs, tutorial and mentoring programs, and other related activities;

(C) may use—

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

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

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

**(e) Eligible community identification**

**(1) Identification**

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

**(2) Criteria**

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

**(f) Applications**

**(1) Application required**

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

**(2) Contents of application**

Each application submitted pursuant to paragraph (1) shall—

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

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

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

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

<sup>3</sup> So in original. No cl. (ii) has been enacted.

- (i) will—
- (I) where appropriate, make a public school the focal point of the eligible community; or
- (II) make a local facility described in subsection (d)(1)(B) such a focal point; and
- (ii) may include reducing the percentage of children in the eligible community that enter the juvenile justice system, increasing the graduation rates, school attendance, and academic success of children in the eligible community, and improving the skills of program participants;
- (E) provide evidence of support for accomplishing such goals and outcomes from—
- (i) community leaders;
- (ii) businesses;
- (iii) local educational agencies;
- (iv) local officials;
- (v) State officials;
- (vi) Indian tribal government officials; and
- (vii) other organizations that the community-based organization determines to be appropriate;
- (F) contain an assurance that the community-based organization will use grant funds received under this section to provide children in the eligible community with activities and services that shall include supervised sports programs, and extracurricular and academic programs, in accordance with subparagraphs (A) and (B) of subsection (d)(2);
- (G) contain a list of the activities and services that will be offered through the program for which the grant is sought and sponsored by private nonprofit organizations, individuals, and groups serving the eligible community, including—
- (i) extracurricular and academic programs, such as programs described in subsection (d)(2)(B); and
- (ii) activities that address specific needs in the community;
- (H) demonstrate the manner in which the community-based organization will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;
- (I) include an estimate of the number of children in the eligible community expected to be served pursuant to the program;
- (J) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;
- (K) contain an assurance that the community-based organization will use competitive procedures when purchasing, contracting, or otherwise providing for goods, activities, or services to carry out programs under this section;
- (L) contain an assurance that the program will maintain a staff-to-participant ratio (including volunteers) that is appropriate to the activity or services provided by the program;

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

(N) contain an assurance that the community-based organization will comply with any evaluation under subsection (m),<sup>4</sup> any research effort authorized under Federal law, and any investigation by the Secretary;

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

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

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

### **(3) Priority**

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

### **(g) Eligibility of participants**

#### **(1) In general**

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

#### **(2) Eligibility**

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

#### **(3) Nondiscrimination**

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

### **(h) Peer review panel**

#### **(1) Establishment**

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

#### **(2) Composition**

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

- (A) A community-based organization.  
 (B) A local government.  
 (C) A school district.

<sup>4</sup>So in original. Probably should be subsection "(k)".

- (D) The private sector.
- (E) A charitable organization.
- (F) A representative of the United States Olympic Committee, at the option of the Secretary.

**(3) Functions**

A peer review panel shall conduct the initial review of all grant applications received by the Secretary under subsection (f), make recommendations to the Secretary regarding—

- (A) grant funding under this section; and
- (B) a design for the evaluation of programs assisted under this section.

**(i) Investigations and inspections**

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

**(j) Payments; Federal share; non-Federal share****(1) Payments**

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

**(2) Federal share**

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

- (A) 75 percent for each of fiscal years 1995 and 1996;
- (B) 70 percent for fiscal year 1997; and
- (C) 60 percent for fiscal year 1998 and thereafter.

**(3) Non-Federal share****(A) In general**

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

**(B) Special rule**

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

**(k) Evaluation**

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

- (1) the number of children participating in each program assisted under this section;
- (2) the academic achievement of such children;
- (3) school attendance and graduation rates of such children; and
- (4) the number of such children being processed by the juvenile justice system.

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

**Editorial Notes**

## REFERENCES IN TEXT

This subchapter, referred to in subsec. (b), was in the original “this title”, meaning title III of Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1836. For complete classification of title III to the Code, see Tables.

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

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

## CODIFICATION

Section was formerly classified to section 13791 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

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

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

References to the United States Olympic Committee deemed to refer to the United States Olympic and Paralympic Committee, see section 220502(c) of Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

## EFFECTIVE DATE OF 1998 AMENDMENT

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

## PART D—POLICE RECRUITMENT

**§ 12171. Grant authority****(a) Grants****(1) In general**

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

**(2) Consultation with the Ounce of Prevention Council**

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

**(b) Qualified community organizations**

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

- (1) is a nonprofit organization; and
- (2) has training and experience in—
  - (A) working with a police department and with teachers, counselors, and similar personnel,
  - (B) providing services to the community in which the organization is located,
  - (C) developing and managing services and techniques to recruit individuals to become members of a police department and to as-