

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF  
1968<sup>1</sup>**

[Public Law 90–351; 82 Stat. 197]

[As Amended Through P.L. 115–113, Enacted January 10, 2018]

AN ACT To assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the “Omnibus Crime Control and Safe Streets Act of 1968”. [34 U.S.C. 10101 note]

**TITLE I—JUSTICE SYSTEM IMPROVEMENT**

**PART A—OFFICE OF JUSTICE PROGRAMS**

**ESTABLISHMENT OF OFFICE OF JUSTICE PROGRAMS**

**SEC. 101. [34 U.S.C. 10101]** There is hereby established an Office of Justice Programs within the Department of Justice under the general authority of the Attorney General. The Office of Justice Programs (hereinafter referred to in this title as the “Office”) shall be headed by an Assistant Attorney General (hereinafter in this title referred to as the “Assistant Attorney General”) appointed by the President, by and with the advice and consent of the Senate.

**DUTIES AND FUNCTIONS OF ASSISTANT ATTORNEY GENERAL**

**SEC. 102. [34 U.S.C. 10102]** (a) The Assistant Attorney General shall—

- (1) publish and disseminate information on the conditions and progress of the criminal justice systems;
- (2) maintain liaison with the executive and judicial branches of the Federal and State governments in matters relating to criminal justice;

<sup>1</sup>The Omnibus Crime Control and Safe Streets Act of 1968 has 11 titles (see Public 90–351 as enacted). This compilation contains only title I of that Act. The section numbers of titles II through XI range from section 701 to section 1601, and several of those section numbers duplicate section numbers found in title I.

This Act no longer has a table of contents. The table of sections, prior to its repeal by section 2(c)(3) of Public Law 106–561 (114 Stat. 2791), resided after the heading for title I.

Public Law 113–4 provides for amendments made to this Act. Section 4 of such Public Law provides that “[e]xcept as otherwise specifically provided in this Act, the provisions of titles I, II, III, IV, VII, and sections 3, 602, 901, and 902 of this Act shall not take effect until the beginning of the fiscal year following the date of enactment of this Act [effective October 1, 2013]”. The amendments have been carried out in this version.

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

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

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

(6) exercise such other powers and functions as may be vested in the Assistant Attorney General pursuant to this title or by delegation of the Attorney General, including placing special conditions on all grants, and determining priority purposes for formula grants.

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

**SEC. 103. [34 U.S.C. 10103] OFFICE OF WEED AND SEED STRATEGIES.**

(a) **ESTABLISHMENT.**—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

(b) **ASSISTANCE.**—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

**SEC. 104. [34 U.S.C. 10104] WEED AND SEED STRATEGIES.**

(a) **IN GENERAL.**—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

(1) **WEEDING.**—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

(2) **SEEDING.**—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

(B) community revitalization efforts, including enforcement of building codes and development of the economy.

**3                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 104**

(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

(A) in a voting capacity, representatives of—

(i) appropriate law enforcement agencies; and

(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

(B) in a voting capacity, both—

(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

(ii) the United States Attorney for the District encompassing the community;

(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

(1) the United States Attorney for the District encompassing the community must certify to the Director that—

(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

(C) the steering committee is capable of implementing the strategy appropriately; and

(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

(1) a sustainable Weed and Seed strategy that includes—

(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community,

- and other Federal law enforcement agencies operating in the vicinity;
- (B) a significant community-oriented policing component; and
- (C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and
- (2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.
- (e) GRANTS.—
- (1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.
- (2) USES.—For each grant under this subsection, the community receiving that grant may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.
- (3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—
- (A) for a period of more than 10 fiscal years;
- (B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or
- (C) in an aggregate amount of more than \$1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional \$500,000.
- (4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—
- (A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and
- (B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.
- (5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.
- (B) The requirement of subparagraph (A)—
- (i) may be satisfied in cash or in kind; and
- (ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.
- (6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement,

**5                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 106**

not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

**SEC. 105. [34 U.S.C. 10105] INCLUSION OF INDIAN TRIBES.<sup>2</sup>**

For purposes of sections 103 and 104, the term “State” includes an Indian tribal government.

**SEC. 106. [34 U.S.C. 10106] COMMUNITY CAPACITY DEVELOPMENT OFFICE.<sup>3</sup>****(a) ESTABLISHMENT.—**

(1) **IN GENERAL.**—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

(2) **PURPOSE.**—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 103(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

(3) **EXCLUSIVITY.**—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

(b) **MEANS.**—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

(2) Providing information, training, and technical assistance.

(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

(5) Any other similar means.

(c) **LOCATIONS.**—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a

<sup>2</sup>Section 105, as added by section 1158(a) of Public Law 109–162, takes effect 90 days after date of enactment of such law [January 5, 2006] pursuant to subsection (b) of such section 1158.

<sup>3</sup>Section 106, as added by section 1159(a) of Public Law 109–162, takes effect 90 days after date of enactment of such law [January 5, 2006] pursuant to subsection (b) of such section 1159.

case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

(d) **BEST PRACTICES.**—The Director shall—

(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

(2) incorporate those characteristics into the training provided under this section.

(e) **AVAILABILITY OF FUNDS.**—not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by section 103(b) shall be reserved for the Community Capacity Development Office for the activities authorized by this section.

**SEC. 107. [34 U.S.C. 10107] DIVISION OF APPLIED LAW ENFORCEMENT TECHNOLOGY.<sup>4</sup>**

(a) **ESTABLISHMENT.**—There is established within the Office of Science and Technology, the Division of Applied Law Enforcement Technology, headed by an individual appointed by the Attorney General. The purpose of the Division shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

(b) **DUTIES.**—In carrying out the purpose of the Division, the head of the Division shall—

(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department, such as Uniform Crime Reports or the National Incident-Based Reporting System.

**SEC. 108. [34 U.S.C. 10108] AVAILABILITY OF FUNDS.<sup>5</sup>**

(a) **PERIOD FOR AWARDING GRANT FUNDS.**—

(1) **IN GENERAL.**—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

(2) **TREATMENT OF REPROGRAMMED FUNDS.**—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

(3) **TREATMENT OF DEOBLIGATED FUNDS.**—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of

<sup>4</sup>Section 107, as added by section 1160(a) of Public Law 109–162, takes effect 90 days after date of enactment of such law [January 5, 2006] pursuant to subsection (b) of such section 1160.

<sup>5</sup>Section 108, as added by section 1161(a) of Public Law 109–162, takes effect 90 days after date of enactment of such law [January 5, 2006] pursuant to subsection (b) of such section 1161.

days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

(b) **PERIOD FOR EXPENDING GRANT FUNDS.**—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall be deobligated.

(c) **DEFINITION.**—In this section, the term “DOJ grant funds” means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

(d) **APPLICABILITY.**—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.

**SEC. 109. [34 U.S.C. 10109] OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.**

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

(2) **PURPOSE.**—The purpose of the Office shall be to carry out and coordinate program assessments of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

(3) **EXCLUSIVITY.**—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

(b) **COVERED PROGRAMS.**—The programs referred to in subsection (a) are the following:

(1) The program under part Q of this title.

(2) Any grant program carried out by the Office of Justice Programs.

(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

(c) **PROGRAM ASSESSMENTS REQUIRED.**—

(1) **IN GENERAL.**—The Director shall select grants awarded under the programs covered by subsection (b) and carry out program assessments on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

(3) TIMING OF PROGRAM ASSESSMENTS.—The program assessment required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

(B) at the end of each year of the grant period, if the grant period is more than 1 year.

(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a program assessment under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

(f) AVAILABILITY OF FUNDS.—Not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the Office of Audit, Assessment and Management for the activities authorized by this section.

## PART B—NATIONAL INSTITUTE OF JUSTICE

### NATIONAL INSTITUTE OF JUSTICE

SEC. 201. [34 U.S.C. 10121] It is the purpose of this part to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

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

(2) preventing and reducing crimes;

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

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



**9 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 202**

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

**ESTABLISHMENT, DUTIES, AND FUNCTIONS**

**SEC. 202. [34 U.S.C. 10122]** (a) There is established within the Department of Justice, under the general authority of the Attorney General, a National Institute of Justice (hereinafter referred to in this part as the "Institute").

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

(c) The Institute is authorized to—

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

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

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

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

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

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

(E) to develop new methods for the prevention and reduction of crime, including the development of programs to facilitate cooperation among the States and units of local

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

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

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

(3) evaluate the effectiveness, including cost effectiveness where practical, of projects or programs carried out under this title;

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

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

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

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

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

(9) encourage, assist, and serve in a consulting capacity to Federal, State, and local justice system agencies in the devel-

**11                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 301**

opment, maintenance, and coordination of criminal and civil justice programs and services; and

(10) research and development of tools and technologies relating to prevention, detection, investigation, and prosecution of crime; and

(11) support research, development, testing, training, and evaluation of tools and technology for Federal, State, and local law enforcement agencies.

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

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

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

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

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

(5) exercise the powers and functions set out in part H.

AUTHORITY FOR 100 PER CENTUM GRANTS

SEC. 203. [34 U.S.C. 10123] A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Institute shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

PART C—BUREAU OF JUSTICE STATISTICS

BUREAU OF JUSTICE STATISTICS

SEC. 301. [34 U.S.C. 10131] It is the purpose of this part to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this part, the Bureau shall give primary emphasis to the problems of State and local justice systems.

## ESTABLISHMENT, DUTIES, AND FUNCTIONS

SEC. 302. [34 U.S.C. 10132] (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this part as "Bureau").

(b) The Bureau shall be headed by a Director appointed by the President. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) The Bureau is authorized to—

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

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

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

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

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

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

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States and in Indian country;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this title;

(9) maintain liaison with the judicial branches of the Federal Government and State and tribal governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State, tribal, and local governments, and the general public on justice statistics;

(11) establish or assist in the establishment of a system to provide State, tribal, and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

(13) provide for the development of justice information systems programs and assistance to the States, Indian tribes, and units of local government relating to collection, analysis, or dissemination of justice statistics;

(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

(17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State, tribal, and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti-drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, tribal, and local criminal justice agencies on their drug enforcement activities;

(18) provide for the development and enhancement of State, tribal, and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State and tribal criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State and tribal participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;

(20) maintain liaison with State, tribal, and local governments and governments of other nations concerning justice statistics;

(21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(22) ensure conformance with security and privacy requirement of section 812 and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal, tribal, and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in part H. (d)<sup>6</sup>

(1) IN GENERAL.—To ensure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(A) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(B) confer and cooperate with State, municipal, and other local agencies;

(C) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this title;

(D) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records;

(E) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data; and

(F) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (act-

<sup>6</sup>So in law. See amendments made by section 251(b)(2) of Public Law 111-211.

**15                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 401**

ing through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.

(e) Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(1)(C) shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State, tribal, and local government, including, where appropriate, representatives of the judiciary.

(g) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.

**AUTHORITY FOR 100 PER CENTUM GRANTS**

SEC. 303. [34 U.S.C. 10133] A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

**USE OF DATA**

SEC. 304. [34 U.S.C. 10134] Data collected by the Bureau shall be used only for statistical or research purposes, and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a private person or public agency other than statistical or research purposes.

**PART D—ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE****ESTABLISHMENT OF BUREAU OF JUSTICE ASSISTANCE**

SEC. 401. [34 U.S.C. 10141] (a) There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Assistance (hereafter in this part referred to as the “Bureau”).

(b) The Bureau shall be headed by a Director (hereafter in this part referred to as the “Director”) who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this title.

## DUTIES AND FUNCTIONS OF THE DIRECTOR

SEC. 402. [34 U.S.C. 10142] The Director shall have the following duties:

(1) Providing funds to eligible States, units of local government, and nonprofit organizations pursuant to parts E and N.

(2) Establishing programs in accordance with subpart 2 of part E and, following public announcement of such programs, awarding and allocating funds and technical assistance in accordance with the criteria of subpart 2, and on terms and conditions determined by the Director to be consistent with subpart 2.

(3) Cooperating with and providing technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities.

(4) Providing for the development of technical assistance and training programs for State and local criminal justice agencies and fostering local participation in such activities.

(5) Encouraging the targeting of State and local resources on efforts to reduce the incidence of drug abuse and crime and on programs relating to the apprehension and prosecution of drug offenders.

(6) Establishing and carrying on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination concerning decisions made by the Bureau affecting State and local drug control and criminal justice priorities.

(7) Preparing recommendations on the State and local drug enforcement component of the National Drug Control Strategy which shall be submitted to the Associate Director of the Office on National Drug Control Policy. In making such recommendations, the Director shall review the statewide strategies submitted by such States under part E, and shall obtain input from State and local drug enforcement officials. The recommendations made under this paragraph shall be provided at such time and in such form as the Director of National Drug Control Policy shall require.

(8) Exercising such other powers and functions as may be vested in the Director pursuant to this title or by delegation of the Attorney General or Assistant Attorney General.

## PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

**Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program****SEC. 500. [34 U.S.C. 10151] NAME OF PROGRAM.**

(a) IN GENERAL.—The grant program established under this subpart 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 En-



forcement 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).

(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act 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, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

**SEC. 501. [34 U.S.C. 10152] DESCRIPTION.**

(a) **GRANTS AUTHORIZED.**—

(1) **IN GENERAL.**—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, 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).

(H) Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

(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 authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

(b) **CONTRACTS AND SUBAWARDS.**—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), 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 subpart 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 subpart 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 subpart may be used for costs incurred to administer such grant.

(f) PERIOD.—The period of a grant made under this subpart 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 subpart 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.

#### SEC. 502. [34 U.S.C. 10153] APPLICATIONS.

(a)<sup>7</sup> IN GENERAL.—To request a grant under this subpart, 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 subpart 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 subpart 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).

<sup>7</sup>The subsection enumerator for subsection (a) appears in the amendment made by section 14(b) of Public Law 114-324 as “(A)”; however, the enumerator that is shown here appears in the proper casing in lower case type to reflect the probable intent of Congress.

**19                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 502**

(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 subpart;

(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 subpart and all other applicable Federal laws.

(6) A comprehensive Statewide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

(A) be designed in consultation with local governments, and representatives of all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions;

(D) describe the barriers at the State and local level for accessing data and implementing evidence-based approaches to preventing and reducing crime and recidivism; and

(E) be updated every 5 years, with annual progress reports that—

(i) address changing circumstances in the State, if any;

**Sec. 503 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 20**

- (ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);
- (iii) provide an ongoing assessment of need;
- (iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and
- (v) reflect how the plan influenced funding decisions in the previous year.

**(b) TECHNICAL ASSISTANCE.—**

(1) **STRATEGIC PLANNING.**—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6). The Attorney General may enter into agreements with 1 or more non-governmental organizations to provide technical assistance and training under this paragraph.

(2) **PROTECTION OF CONSTITUTIONAL RIGHTS.**—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations established by the Sixth Amendment to the Constitution of the United States, which shall include—

(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—For each of fiscal years 2017 through 2021, of the amounts appropriated to carry out this subpart, not less than \$5,000,000 and not more than \$10,000,000 shall be used to carry out this subsection.

**SEC. 503. [34 U.S.C. 10154] REVIEW OF APPLICATIONS.**

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

**SEC. 504. [34 U.S.C. 10155] RULES.**

The Attorney General shall issue rules to carry out this subpart. 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 subpart.

**SEC. 505. [34 U.S.C. 10156] FORMULA.****(a) ALLOCATION AMONG STATES.—**

(1) **IN GENERAL.**—Of the total amount appropriated for this subpart, 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)—
  - (1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and
  - (2) 40 percent shall be for grants to be allocated under subsection (d).
- (c) **ALLOCATION FOR STATE GOVERNMENTS.**—
  - (1) **IN GENERAL.**—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 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), 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 501.
- (d) **ALLOCATIONS TO LOCAL GOVERNMENTS.**—
  - (1) **IN GENERAL.**—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).
  - (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 the date of the enactment of this section, 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 subpart, 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

**23                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 505**

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) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) 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 subpart, or that a State chooses not to participate in the program established under this subpart, 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 subpart, the amounts allocated under subsection (a) 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) 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.

(i) **PART 1 VIOLENT CRIMES TO INCLUDE HUMAN TRAFFICKING.**—For purposes of this section, the term "part 1 violent crimes" shall include severe forms of trafficking in persons (as de-

**Sec. 506 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 24**

fined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

**SEC. 506. [34 U.S.C. 10157] RESERVED FUNDS.**

(a) Of the total amount made available to carry out this subpart 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 subpart; 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 subpart 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 501, 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 505.

**SEC. 507. [34 U.S.C. 10158] 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 subpart.

(b) EXPENDITURES.—

(1) IN GENERAL.—Each amount received under this subpart (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 108 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 subpart. Such funds are hereby made available to carry out this subpart.

**SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

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



## Subpart 2—Discretionary Grants

### CHAPTER B—GRANTS TO PUBLIC AGENCIES <sup>8</sup>

#### CORRECTIONAL OPTIONS GRANTS

SEC. 515. [34 U.S.C. 10171] (a) 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.

<sup>8</sup>So in law. There is no chapter A in subpart 2 of part E. It was repealed by section 1111(b)(1) of Public Law 109–162.

(b) 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) 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 chapter.

#### ALLOCATION OF FUNDS; ADMINISTRATIVE PROVISIONS

SEC. 516. [34 U.S.C. 10172] (a) Of the total amount appropriated for this chapter in any fiscal year, 70 percent shall be used to make grants under section 515(a)(1), 10 percent shall be used to make grants under section 515(a)(2), 10 percent for section 515(a)(3), and 10 percent for section 515(a)(4).

(b) A grant made under paragraph (1) or (3) of section 515(a) may be made for an amount up to 75 percent of the cost of the correctional option contained in the approved application.

(c) The Director shall—

(1) not later than 90 days after funds are first appropriated to carry out this chapter, issue rules to carry out this chapter; and

(2) not later than 180 days after funds are first appropriated to carry out this chapter—

(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 chapter.

## CHAPTER C—GENERAL REQUIREMENTS

#### APPLICATION REQUIREMENTS

SEC. 517. [34 U.S.C. 10181] (a) No grant may be made under this subpart 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 515;

**27                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 519**

(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 subpart 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 subpart and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Director.

**PERIOD OF AWARD**

**SEC. 518. [34 U.S.C. 10182]** The Bureau may provide financial aid and assistance to programs or projects under this subpart for a period of not to exceed 4 years. Grants made pursuant to this subpart 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.

**CHAPTER 4—GRANTS TO PRIVATE ENTITIES<sup>9</sup>****SEC. 519. [34 U.S.C. 10191] 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;

<sup>9</sup>So in law. Section 626 of Public Law 109–248 amends subpart 2 of part E of title I by adding at the end a new chapter 4. The “4” should probably be a “D”.

**Sec. 520 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 28**

(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.

### **Subpart 3—Administrative Provisions**

#### EVALUATION

SEC. 520. [34 U.S.C. 10201] (a) To increase the efficiency and effectiveness of programs funded under this part, 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 505 (formula grants) and section 515 (discretionary grants) of this part.

(b) 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 505 (formula grants);

(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) The Director of the National Institute of Justice shall annually report to the President, the Attorney General, and the Con-

**29                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 522**

gress on the nature and findings of the evaluation and research and development activities funded under this section.

## GENERAL PROVISIONS

SEC. 521. [34 U.S.C. 10202] (a) The Bureau shall prepare both a “Program Brief” and “Implementation Guide” document for proven programs and projects to be funded under this part.

(b) The functions, powers, and duties specified in this part 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.

(c)(1) Notwithstanding any other provision of law, a grantee that uses funds made available under this part to purchase an armor vest or body armor shall—

(A) comply with any requirements established for the use of grants made under part Y;

(B) have a written policy requiring uniformed patrol officers to wear an armor vest or body armor; and

(C) use the funds to purchase armor vests or body armor that meet any performance standards established by the Director of the Bureau of Justice Assistance.

(2) In this subsection, the terms “armor vest” and “body armor” have the meanings given such terms in section 2503.

## REPORTS

SEC. 522. [34 U.S.C. 10203] (a) Each State which receives a grant under section 505 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 subpart 1;

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

(3) the evaluation result of programs and projects;

(4) an explanation of how the Federal funds provided under this part 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 part, 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 subpart 1 and subpart 2 to such State for such fiscal year;

(2) the amount of such grants awarded for each of the purposes specified in subpart 1;

**Sec. 701 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 30**

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

(4) an explanation of how Federal funds provided under this part 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.

【Part F was repealed by section 1154(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109–162).】

PART G—FBI TRAINING OF STATE AND LOCAL CRIMINAL JUSTICE  
PERSONNEL

TRAINING AND MANPOWER DEVELOPMENT

SEC. 701. [34 U.S.C. 10211] (a) The Director of the Federal Bureau of Investigation is authorized to—

(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State, unit of local government, or rail carrier, training for State and local criminal justice personnel, including railroad police officers;

(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen criminal justice; and

(3) assist in conducting, at the request of a State, unit of local government, or rail carrier, local and regional training programs for the training of State and local criminal justice personnel engaged in the investigation of crime and the apprehension of criminals. Training for rural criminal justice personnel shall include, when appropriate, effective use of regional resources and methods to improve coordination among criminal justice personnel in different areas and in different levels of government. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs, and their deputies, railroad police officer, and other persons as the State, unit of local government, or rail carrier may nominate for police training while such persons are actually employed as officers of such State, unit of local government, or rail carrier.

(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

(c) Notwithstanding the provisions of subsection (a), the Secretary of the Treasury is authorized to establish, develop, and conduct training programs at the Federal Law Enforcement Training Center at Glynco, Georgia, to provide, at the request of a State or unit of local government, training for State and local criminal justice personnel provided that such training does not interfere with the Center's mission to train Federal law enforcement personnel.

**31                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 801**

(d) RAIL CARRIER COSTS.—No Federal funds may be used for any travel, transportation, or subsistence expenses incurred in connection with the participation of a railroad police officer in a training program conducted under subsection (a).

(e) DEFINITIONS.—In this section—

(1) the terms “rail carrier” and “railroad” have the meanings given such terms in section 20102 of title 49, United States Code; and

(2) the term “railroad police officer” means a peace officer who is commissioned in his or her State of legal residence or State of primary employment and employed by a rail carrier to enforce State laws for the protection of railroad property, personnel, passengers, or cargo.

PART H—ADMINISTRATIVE PROVISIONS

CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

SEC. 801. [34 U.S.C. 10221] (a) The Office of Justice Programs, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purposes of this title.

(b) The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to parts E, M, N, O, and U in order to determine—

(1) whether such programs or projects have achieved the performance goals stated in the original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal justice system;

(2) whether such programs or projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime;

(3) their cost in relation to their effectiveness in achieving stated goals;

(4) their impact on communities and participants; and

(5) their implication for related programs.

In conducting evaluations described in this subsection, the Bureau of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants. The Bureau of Justice Assistance shall also require applicants under subpart 1 of part E to submit an annual performance report concerning activities carried out pursuant to subpart 1 of part E together with an assessment by the applicant of the effectiveness of those activities in achieving the purposes of such subpart 1 and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pur-

suant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence). The Bureau shall suspend funding for an approved application under subpart 1 of part E if an applicant fails to submit such an annual performance report.

(c) The procedures established to implement the provisions of this title shall minimize paperwork and prevent needless duplication and unnecessary delays in award and expenditure of funds at all levels of government.

#### NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

SEC. 802. [34 U.S.C. 10222] Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics finds that a recipient of assistance under this title has failed to comply substantially with—

- (1) any provisions of this title;
- (2) any regulations or guidelines promulgated under this title; or
- (3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

the Director involved shall, until satisfied that there is no longer any such failure to comply, terminate payments to the recipient under this title, reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title, or limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

#### FINALITY OF DETERMINATIONS

SEC. 803. [34 U.S.C. 10223] In carrying out the functions vested by this title in the Bureau of Justice Assistance, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall be final and conclusive upon all applications.

#### DELEGATION OF FUNCTIONS<sup>10</sup>

SEC. 805. [34 U.S.C. 10224] The Attorney General, the Assistant Attorney General, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Adminis-

<sup>10</sup>So in law. There is no section 804. Such section was repealed by section 1155(3) of Public Law 109-162.



**33                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 807**

trator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Bureau of Justice Assistance may delegate to any of their respective officers or employees such functions under this title as they deem appropriate.

SUBPOENA POWER; EMPLOYMENT OF HEARING OFFICERS; AUTHORITY  
TO HOLD HEARINGS

SEC. 806. [34 U.S.C. 10225] The Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out their respective powers and duties under this title. The Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics or upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States they respectively may designate.

PERSONNEL AND ADMINISTRATIVE AUTHORITY

SEC. 807. [34 U.S.C. 10226] (a) The Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Institute, and the Director of the Bureau of Justice Statistics are authorized to select, appoint, employ, and fix compensation of such officers and employees as shall be necessary to carry out the powers and duties of the Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics, respectively, under this title.

(b) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of Federal, State, and local agencies to the extent deemed appropriate after giving due consideration to the effectiveness of such existing services, equipment, personnel, and facilities.

(c) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

(d) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable from time to time for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(e) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are au-

thorized to appoint, without regard to the provisions of title 5, United States Code, advisory committees to advise them with respect to the administration of this title as they deem necessary. Such committees shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Members of such committees not otherwise in the employ of the United States, while engaged in advising or attending meetings of such committees, shall be compensated at rates to be fixed by the Office but not to exceed the daily equivalent of the rate of pay payable from time to time for GS-18 of the General Schedule under section 5332 of title 5 of the United States Code, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(f) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Office, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding section 1345 of title 31, United States Code.

(g) The Office, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics are authorized to accept and employ, in carrying out the provisions of this title, voluntary and uncompensated services notwithstanding section 1342 of title 31, United States Code. Such individuals shall not be considered Federal employees except for purposes of chapter 81 of title 5, United States Code, with respect to job-incurred disability and title 28, United States Code, with respect to tort claims.

#### TITLE TO PERSONAL PROPERTY

SEC. 808. [34 U.S.C. 10227] Notwithstanding any other provision of law, title to all expendable and nonexpendable personal property purchased with funds made available under this title, including such property purchased with funds made available under this title as in effect before the effective date of the Justice Assistance Act of 1984, shall vest in the criminal justice agency or non-profit organization that purchased the property if it certifies to the State office responsible for the trust fund required by section 507, or the State office described in section 1408, as the case may be, of this title that it will use the property for criminal justice purposes. If such certification is not made, title to the property shall vest in the State office, which shall seek to have the property used for criminal justice purposes elsewhere in the State prior to using it or disposing of it in any other manner.

#### PROHIBITION OF FEDERAL CONTROL OVER STATE AND LOCAL CRIMINAL JUSTICE AGENCIES; PROHIBITION OF DISCRIMINATION

SEC. 809. [34 U.S.C. 10228] (a) Nothing in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction,

**35                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 809**

supervision, or control over any police force or any other criminal justice agency of any State or any political subdivision thereof.

(b) Notwithstanding any other provision of law, nothing contained in this title shall be construed to authorize the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration—

(1) to require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency; or

(2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

(c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

(2)(A) Whenever there has been—

(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency, to the effect that there has been a pattern or practice of discrimination in violation of paragraph (1); or

(ii) a determination after an investigation by the Office of Justice Programs (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination with respect to such program or activity, with funds made available under this title) that a State government or unit of local government is not in compliance with paragraph (1);

the Office of Justice Programs shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of local government is located, and the chief executive of such unit of local government, that such program or activity has been so found or determined not to be in compliance with paragraph (1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of clause (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5, of title 5, United States Code.

(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of local government), and by the Office of Justice Programs. On or prior to the effective date of the agreement, the Office of Justice Programs shall send a copy of the

agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of local government) shall file semiannual reports with the Office of Justice Programs detailing the steps taken to comply with the agreement. These reports shall cease to be filed upon the determination of the Office of Justice Programs that compliance has been secured, or upon the determination by a Federal or State court that such State government or local governmental unit is in compliance with this section. Within fifteen days of receipt of such reports, the Office of Justice Programs shall send a copy thereof to each such complainant.

(C) If, at the conclusion of ninety days after notification under subparagraph (A)—

(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of local government; and

(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Office of Justice Programs shall notify the Attorney General that compliance has not been secured and caused to have suspended further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Office of Justice Programs in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G), not more than thirty days after the conclusion of such hearing, unless there has been an express finding by the Office of Justice Programs after notice and opportunity for such a hearing, that the recipient is not in compliance with paragraph (1).

(D) Payment of the suspended funds shall resume only if—

(i) such State government or unit of local government enters into a compliance agreement approved by the Office of Justice Programs and the Attorney General in accordance with subparagraph (B);

(ii) such State government or unit of local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Office of Justice Programs in the notice pursuant to subparagraph (A), or is found to be in compliance with paragraph (1) by such court; or

(iii) after a hearing the Office of Justice Programs pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after such

filing has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Office of Justice Programs shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

(F) Prior to the suspension of funds under subparagraph (C), but within the ninety-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing on the record in accordance with section 554 of title 5, United States Code, in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (G).

(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), a State government or unit of local government may request a hearing on the record in accordance with section 554 of title 5, United States Code, which the Office of Justice Programs shall initiate within sixty days of such request.

(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), the Office of Justice Programs shall make a finding of compliance or noncompliance. If the Office of Justice Programs makes a finding of noncompliance, the Office of Justice Programs shall notify the Attorney General in order that the Attorney General may institute a civil action under paragraph (3), cause to have terminated the payment of funds under this title, and, if appropriate, seek repayment of such funds.

(iii) If the Office of Justice Programs makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

(H) Any State government or unit of local government aggrieved by a final determination of the Office of Justice Programs under subparagraph (G) may appeal such determination as provided in section 804 of this title.

(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing

any further such funds in escrow pending the outcome of the litigation.

(4)(A) Whenever a State government or unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this subsection, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date the administrative complaint was filed with the Office of Justice Programs or any other administrative enforcement agency, unless within such period there has been a determination by the Office of Justice Programs or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

(B) In any civil action brought by a private person to enforce compliance with any provision of this subsection, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

(C) In any action instituted under this section to enforce compliance with paragraph (1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

#### REPORT TO PRESIDENT AND CONGRESS

SEC. 810. [34 U.S.C. 10229] Not later than April 1 of each year, the Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice shall each submit a report to the President and to the Speaker of the House of Representatives and the President of the Senate, on their activities under this title during the fiscal year next preceding such date.

#### RECORDKEEPING REQUIREMENT

SEC. 811. [34 U.S.C. 10230] (a) Each recipient of funds under this title shall keep such records as the Office of Justice Programs shall prescribe, including records which fully disclose the amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Office of Justice Programs or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this title which in the opinion of the Office of Justice Programs may be related or pertinent to the grants, con-

**39                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 812**

tracts, subcontracts, subgrants, or other arrangements referred to under this title.

(c) The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

(d) The provisions of this section shall apply to all recipients of assistance under this title, whether by direct grant, cooperative agreement, or contract under this title or by subgrant or subcontract from primary grantees or contractors under this title.

(e) There is hereby established within the Bureau of Justice Assistance a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such goods and property. Notwithstanding any other provision of law, any income or royalties generated from such projects together with income generated from any sale or use of such goods or property, where such goods or property are not claimed by their lawful owner, shall be paid into the revolving fund. Where a party establishes a legal right to such goods or property, the Administrator of the fund may in his discretion assert a claim against the property or goods in the amount of Federal funds used to purchase such goods or property. Proceeds from such claims shall be paid into the revolving fund. The Administrator is authorized to make disbursements by appropriate means, including grants, from the fund for the purpose of this section.

**CONFIDENTIALITY OF INFORMATION****SEC. 812. [34 U.S.C. 10231]**

(a) No officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office of Justice Programs shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an indi-

**Sec. 813 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 40**

vidual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

(c) All criminal intelligence systems operating through support under this title shall collect, maintain, and disseminate criminal intelligence information in conformance with policy standards which are prescribed by the Office of Justice Programs and which are written to assure that the funding and operation of these systems furthers the purpose of this title and to assure that such systems are not utilized in violation of the privacy and constitutional rights of individuals.

(d) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed \$10,000, in addition to any other penalty imposed by law.

**ADMINISTRATION OF JUVENILE DELINQUENCY PROGRAMS**

**SEC. 813. [34 U.S.C. 10232]** The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the Office of Juvenile Justice and Delinquency Prevention in developing and implementing programs in the juvenile justice and delinquency prevention field.

**PROHIBITION ON LAND ACQUISITION**

**SEC. 814. [34 U.S.C. 10233]** No funds under this title shall be used for land acquisition.

**PROHIBITION ON USE OF CIA SERVICES**

**SEC. 815. [34 U.S.C. 10234]** Notwithstanding any other provision of this title, no use will be made of services, facilities, or personnel of the Central Intelligence Agency.

**INDIAN LIABILITY WAIVER**

**SEC. 816. [34 U.S.C. 10235]** Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Assistant Attorney General is authorized to waive State liability and may pursue such legal remedies as are necessary.

**DISTRICT OF COLUMBIA MATCHING FUND SOURCE**

**SEC. 817. [34 U.S.C. 10236]** Funds appropriated by the Congress for the activities of any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia may be used to provide the non-Federal share of the cost of programs or projects funded under this title.



## LIMITATION ON CIVIL JUSTICE MATTERS

SEC. 818. [34 U.S.C. 10237] Authority of any entity established under this title shall extend to civil justice matters only to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

## PRISON INDUSTRY ENHANCEMENT

SEC. 819. (a) Section 1761 of title 18, United States Code, is amended by adding thereto a new subsection (c) as follows—

“(c) In addition to the exceptions set forth in subsection (b) of this section, this chapter shall also not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners participating in a program of not more than seven pilot projects designated by the Administrator of the Law Enforcement Assistance Administration and who—

“(1) have, in connection with such work, received wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, except that such wages may be subject to deductions which shall not, in the aggregate, exceed 80 per centum of gross wages, and shall be limited as follows:

“(A) taxes (Federal, State, local);

“(B) reasonable charges for room and board as determined by regulations which shall be issued by the Chief State correctional officer;

“(C) allocations for support of family pursuant to State statute, court order, or agreement by the offender;

“(D) contributions to any fund established by law to compensate the victims of crime of not more than 20 per centum but not less than 5 per centum of gross wages;

“(2) have not solely by their status as offenders, been deprived of the right to participate in benefits made available by the Federal or State Government to other individuals on the basis of their employment, such as workmen’s compensation. However, such convicts or prisoners shall not be qualified to receive any payments for unemployment compensation while incarcerated, notwithstanding any other provision of the law to the contrary;

“(3) have participated in such employment voluntarily and have agreed in advance to the specific deductions made from gross wages pursuant to this section, and all other financial arrangements as a result of participation in such employment.”.

(b) The first section of the Act entitled “An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes”, approved June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, is amended by adding to the end of subsection (d) thereof, before “; and”, the following: “, except that this section, or any other law or Executive order containing similar prohibitions against purchase of goods by the Federal Government, shall not apply to convict labor which satisfies the conditions of section 1761(c) of title 18, United States Code”.

(c) [18 U.S.C. 1761 note] The provisions of section 1761 of title 18, United States Code, and of the first section of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. 35), commonly known as the Walsh-Healey Act, creating exemptions to Federal restrictions on marketability of prison made goods, as amended from time to time, shall not apply unless—

(1) representatives of local union central bodies or similar labor union organizations have been consulted prior to the initiation of any project qualifying of any exemption created by this section; and

(2) such paid inmate employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services.

#### PART I—DEFINITIONS

##### DEFINITIONS

SEC. 901. [34 U.S.C. 10251] (a) As used in this title—

(1) “criminal justice” means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to prevent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

(2) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands: *Provided*, That for the purposes of section 505(a), American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as one State and that for these purposes 67 per centum of the amounts allocated shall be allocated to American Samoa, and 33 per centum to the Commonwealth of the Northern Mariana Islands.

(3) “unit of local government” means—

(A) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority to, in a manner independent of other State entities, establish a budget and impose taxes;

(C) an Indian Tribe that performs law enforcement functions, as determined by the Secretary of the Interior; or

(D) for the purposes of assistance eligibility, any agency of the government of the District of Columbia or the Federal Government that performs law enforcement functions in and for—

- (i) the District of Columbia; or
- (ii) any Trust Territory of the United States;

(4) “construction” means the erection, acquisition, renovation, repairs, remodeling, or expansion of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor;

(5) “combination” as applied to States or units of local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a criminal justice program, plan, or project;

(6) “public agency” means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(7) “correctional facility” means any place for the confinement or rehabilitation of offenders or individuals charged with or convicted of criminal offenses;

(8) “correctional facility project” means a project for the construction, replacement, alteration or expansion of a prison or jail for the purpose of relieving overcrowding or substandard conditions;

(9) “criminal history information” includes records and related data, contained in an automated or manual criminal justice informational system, compiled by law enforcement agencies for the purpose of identifying criminal offenders and alleged offenders and maintaining as to such persons records of arrests, the nature and disposition of criminal charges, sentencing, confinement, rehabilitation, and release;

(10) “evaluation” means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title;

(11) “neighborhood or community-based organizations” means organizations, including faith-based, that are representative of communities or significant segments of communities;

(12) “chief executive” means the highest official of a State or local jurisdiction;

(13) “cost of construction” means all expenses found by the Director to be necessary for the construction of the project, including architect and engineering fees, but excluding land acquisition costs;

(14) “population” means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

(15) “Attorney General” means the Attorney General of the United States or his designee;

(16) “court of last resort” means that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the

State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean the highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term "court of last resort" the term "court" means a tribunal recognized as a part of the judicial branch of a State or of its local government units;

(17) "institution of higher education" means any such institution as defined by section 101 of the Higher Education Act of 1965, subject, however, to such modifications and extensions as the Office may determine to be appropriate;

(18) "white-collar crime" means an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage;

(19) "proven effectiveness" means that a program, project, approach, or practice has been shown by analysis of performance and results to make a significant contribution to the accomplishment of the objectives for which it was undertaken or to have a significant effect in improving the condition or problem it was undertaken to address;

(20) "record of proven success" means that a program, project, approach, or practice has been demonstrated by evaluation or by analysis of performance data and information to be successful in a number of jurisdictions or over a period of time in contributing to the accomplishment of objectives or to improving conditions identified with the problem, to which it is addressed;

(21) "high probability of improving the criminal justice system" means that a prudent assessment of the concepts and implementation plans included in a proposed program, project, approach, or practice, together with an assessment of the problem to which it is addressed and of data and information bearing on the problem, concept, and implementation plan, provides strong evidence that the proposed activities would result in identifiable improvements in the criminal justice system if implemented as proposed;<sup>11</sup>

(22) "correctional option" includes community-based incarceration, weekend incarceration, boot camp prison, electronic monitoring of offenders, intensive probation, and any other innovative punishment designed to have the greatest impact on offenders who can be punished more effectively in an environment other than a traditional correctional facility;

(23) "boot camp prison" includes a correctional facility in which inmates are required to participate in a highly regimented program that provides strict discipline, physical training, and hard labor, together with extensive rehabilitative ac-

<sup>11</sup>So in law. Sections 20201(c)(1) and 330001(d) of the Violent Crime Control and Law Enforcement Act of 1994 both added semicolons at the end of paragraph (21).

**45                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 1001**

tivities and with educational, job training, and drug treatment support;

(24) the term “young offender” means a non-violent first-time offender or a non-violent offender with a minor criminal record who is 22 years of age or younger (including juveniles);

(25) the term “residential substance abuse treatment program” means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner’s cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner’s substance abuse and related problems;

(26) the term “Indian Tribe” has the meaning given the term “Indian tribe” in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(27) the term “private person” means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof); and

(28) the term “hearing examiner” includes any medical or claims examiner.

(b) Where appropriate, the definitions in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available ninety days prior to the beginning of such fiscal year. The Office may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a State or a unit of local government to undertake a program or project in whole or in part.

## PART J—FUNDING

### AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. **[34 U.S.C. 10261]** (a)(1) There is authorized to be appropriated \$30,000,000 for fiscal year 1992 and \$33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the Bureau of Justice Statistics.

(2) There is authorized to be appropriated \$30,000,000 for fiscal year 1992 and \$33,000,000 for each of the fiscal years 1994 and 1995 to carry out the functions of the National Institute of Justice.

(3) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and \$28,000,000 for each of the fiscal years 1994 and 1995 to carry out the remaining functions of the Office of Justice Programs and the Bureau of Justice Assist-

ance other than functions under parts D, E, F, G, L, M, N, O, P, Q, or R or EE.<sup>12</sup>

(4) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out part L of this title.

(5) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992 and \$1,000,000,000 for each of the fiscal years 1994 and 1995 to carry out the programs under parts D and E (other than chapter B of subpart 2) (other than chapter B of subpart 2 of part E) of this title.<sup>13</sup>

(6) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, \$245,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995 to carry out chapter B of subpart 2 of part E of this title.

(7) There is authorized to be appropriated to carry out part N \$1,000,000 for each of fiscal years 2001 through 2005.

(8) There are authorized to be appropriated such sums as may be necessary for fiscal year 1992, \$16,500,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994 and 1995.

(9) There are authorized to be appropriated to carry out part O—

- (A) \$24,000,000 for fiscal year 1996;
- (B) \$40,000,000 for fiscal year 1997;
- (C) \$50,000,000 for fiscal year 1998;
- (D) \$60,000,000 for fiscal year 1999; and
- (E) \$66,000,000 for fiscal year 2000.

(10) There are authorized to be appropriated \$10,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out projects under part P.

(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended \$1,047,119,000 for each of fiscal years 2006 through 2009.

(B) Of funds available under part Q in any fiscal year, up to 3 percent may be used for technical assistance under section 1701(d) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations 150,000 or less or by public and

<sup>12</sup>Perhaps an omission in amendments made by section 801 of Public Law 101-647. Unlike section 241(c) of that law, an amendment was not made to exclude part O from this authorization of appropriations and thus prevent overlapping the authorization of appropriations below. IS THIS NEEDED ANYMORE? Amendments made by section 32101(d)(1), 40121(c)(1), 40231(c)(1), 50001(c)(1), 210201(c)(1), and 210302(c)(3)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) are unexecutable. Probably should read "parts D, E, F, G, L, M, N, O, P, Q, R, S, T, U, V, W, and X".

<sup>13</sup>Omission in amendments made by section 1801(e) of Public Law 101-647. Because paragraph (6) authorizes funds for chapter B of subpart 2 of part E, a conforming amendment is necessary here to prevent overlapping authorizations of appropriations. The amendment should insert "(other than chapter B of subpart 2)" after "and E". IS THIS NEEDED ANYMORE? NEW FOOTNOTE: section 330001(b)(3) of Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322) inserted "(other than chapter B of subpart 2)" after "and E". This amendment probably was not needed due to an amendment made by section 1(5) of P.L. 102-534.

**47 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1001**

private entities that serve areas with populations 150,000 or less. In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under part Q shall be made available for grants to Indian tribal governments or tribal law enforcement agencies.

(16)<sup>14</sup> There are authorized to be appropriated to carry out projects under part R—

- (A) \$20,000,000 for fiscal year 1996;
- (B) \$25,000,000 for fiscal year 1997;
- (C) \$30,000,000 for fiscal year 1998;
- (D) \$35,000,000 for fiscal year 1999; and
- (E) \$40,000,000 for fiscal year 2000.

(17) There are authorized to be appropriated to carry out the projects under part S—

- (A) \$27,000,000 for fiscal year 1996;
- (B) \$36,000,000 for fiscal year 1997;
- (C) \$63,000,000 for fiscal year 1998;
- (D) \$72,000,000 for fiscal year 1999; and
- (E) \$72,000,000 for fiscal year 2000.

(18) There is authorized to be appropriated to carry out part T \$222,000,000 for each of fiscal years 2014 through 2018.

(19) There is authorized to be appropriated to carry out part U \$73,000,000 for each of fiscal years 2014 through 2018. Funds appropriated under this paragraph shall remain available until expended.

(20) There are authorized to be appropriated to carry out part V, \$10,000,000 for each of fiscal years 2001 through 2004.

(21) There are authorized to be appropriated to carry out part W—

- (1) \$2,500,000 for fiscal year 1996;
- (2) \$4,000,000 for fiscal year 1997;
- (3) \$5,000,000 for fiscal year 1998;
- (4) \$6,000,000 for fiscal year 1999; and
- (5) \$7,500,000 for fiscal year 2000.

(22)<sup>15</sup> There are authorized to be appropriated to carry out part X—

- (1) \$1,000,000 for fiscal year 1996;
- (2) \$3,000,000 for fiscal year 1997;
- (3) \$5,000,000 for fiscal year 1998;
- (4) \$13,500,000 for fiscal year 1999; and
- (5) \$17,500,000 for fiscal year 2000.

(23) There is authorized to be appropriated to carry out part Y, \$25,000,000 for each of fiscal years 2016 through 2020.

(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

- (A) \$35,000,000 for fiscal year 2001;
- (B) \$85,400,000 for fiscal year 2002;
- (C) \$134,733,000 for fiscal year 2003;
- (D) \$128,067,000 for fiscal year 2004;
- (E) \$56,733,000 for fiscal year 2005;
- (F) \$42,067,000 for fiscal year 2006;

<sup>14</sup>So in law. There are no paragraphs (12)–(15).

<sup>15</sup>Section 210302(c)(3)(B) of P.L. 103–322 added this paragraph at the end of section 1001. It probably should have been added at the end of subsection (a) of section 1001.

- (G) \$20,000,000 for fiscal year 2007;
- (H) \$20,000,000 for fiscal year 2008;
- (I) \$20,000,000 for fiscal year 2009; and <sup>16</sup>
  - (J) \$13,500,000 for fiscal year 2017;
  - (K) \$18,500,000 for fiscal year 2018;
  - (L) \$19,000,000 for fiscal year 2019;
  - (M) \$21,000,000 for fiscal year 2020; and
  - (N) \$23,000,000 for fiscal year 2021.

(25)(A) Except as provided in subparagraph (C), there are authorized to be appropriated to carry out part EE—

- (i) \$50,000,000 for fiscal year 2002;
- (ii) \$54,000,000 for fiscal year 2003;
- (iii) \$58,000,000 for fiscal year 2004; and
- (iv) \$60,000,000 for fiscal year 2005.
- (v) <sup>17</sup> \$70,000,000 for each of fiscal years 2007 and 2008.

(v) <sup>18</sup> \$70,000,000 for fiscal year 2006.

(B) The Attorney General shall reserve not less than 1 percent and not more than 4.5 percent of the sums appropriated for this program in each fiscal year for research and evaluation of this program.

(C) No funds made available to carry out part EE shall be expended if the Attorney General fails to submit the report required to be submitted under section 2401(c) of title II of Division B of the 21st Century Department of Justice Appropriations Authorization Act.

(26) There are authorized to be appropriated to carry out part CC \$10,000,000 for each of fiscal years 2009 and 2010.

(27) There are authorized to be appropriated to carry out part LL \$103,000,000 for each of fiscal years 2017 through 2021.

(b) Funds appropriated for any fiscal year may remain available for obligation until expended.

(c) Notwithstanding any other provision of law, no funds appropriated under this section for part E of this title may be transferred or reprogrammed for carrying out any activity which is not authorized under such part.

## PART K—CRIMINAL PENALTIES

### MISUSE OF FEDERAL ASSISTANCE

SEC. 1101. [34 U.S.C. 10271] Whoever embezzles, willfully misapplies, steals, or obtains by fraud or endeavors to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Office of Justice Programs, Bureau of Justice As-

<sup>16</sup>So in law. See amendment made by section 9(b)(2) of Public Law 114-324.

<sup>17</sup>The amendment made by section 1142(b) of Public Law 109-162 to insert a new clause in section 1001(25)(A) was executed by adding such clause to section 1001(a)(25)(A) to reflect the probable intent of Congress. Also, margin for clause (v) so in law.

<sup>18</sup>The amendment made by section 752 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177) to insert a second clause (v) in section 1001(25)(A) was executed by adding such clause to section 1001(a)(25)(A) to reflect the probable intent of Congress.



**49                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 1201**

sistance, the National Institute of Justice, the Bureau of Justice Statistics, or whoever receives, conceals, or retains such funds, assets or property with intent to convert such funds, assets or property to his use or gain, knowing such funds, assets, or property has been embezzled, willfully misapplied, stolen or obtained by fraud, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

**FALSIFICATION OR CONCEALMENT OF FACTS**

**SEC. 1102. [34 U.S.C. 10272]** Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title or in any records required to be maintained pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

**CONSPIRACY TO COMMIT OFFENSE AGAINST UNITED STATES**

**SEC. 1103. [34 U.S.C. 10273]** Any law enforcement or criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be subject to the provisions of section 371 of title 18, United States Code.

**PART L—PUBLIC SAFETY OFFICERS' DEATH BENEFITS****Subpart 1—Death Benefits****PAYMENTS**

**SEC. 1201. [34 U.S.C. 10281]** (a) In any case in which the Bureau of Justice Assistance (hereinafter in this part referred to as the "Bureau") determines, under regulations issued pursuant to this part, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Bureau shall pay a benefit of \$250,000, adjusted in accordance with subsection (h), as follows (if the payee indicated is living on the date on which the determination is made)—

- (1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;
- (2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;
- (3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);
- (4) if there is no surviving spouse of the public safety officer and no surviving child—

(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed des-

ignation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term "child" under section 1204 but for age.

(b) In accordance with regulations issued pursuant to this part, in any case in which the Bureau determines that a public safety officer has become permanently and totally disabled as the direct and proximate result of a personal injury sustained in the line of duty, the Bureau shall pay the same benefit to the public safety officer (if living on the date on which the determination is made) that is payable under subsection (a) with respect to the date on which the catastrophic injury occurred, as adjusted in accordance with subsection (h): *Provided*, That for the purposes of making these benefit payments, there are authorized to be appropriated for each fiscal year such sums as may be necessary: *Provided further*, That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.

(c) Whenever the Bureau determines upon a showing of need and prior to taking final action, that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Bureau may make an interim benefit payment not exceeding \$3,000 to the individual entitled to receive a benefit under subsection (a) of this section.

(d) The amount of an interim payment under subsection (c) shall be deducted from the amount of any final benefit paid to such individual.

(e) Where there is no final benefit paid, the recipient of any interim payment under subsection (c) shall be liable for repayment of such amount. The Bureau may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

(f) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except—

(1) payments authorized by section 12(k) of the Act of September 1, 1916;

(2) benefits authorized by section 8191 of title 5, United States Code, such that beneficiaries shall receive only such benefits under such section 8191 as are in excess of the benefits received under this part; or

**51                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 1201**

(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).

(g) No benefit paid under this part shall be subject to execution or attachment.

(h) On October 1 of each fiscal year beginning after the effective date of this subsection, the Bureau shall adjust the level of the benefit payable immediately before such October 1 under subsection (a), to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, occurring in the 1-year period ending on June 1 immediately preceding such October 1.

(i) The amount payable under subsection (a) with respect to the death of a public safety officer shall be the amount payable under subsection (a) as of the date of death of such officer.

(j)(1) No benefit is payable under this part with respect to the death of a public safety officer if a benefit is paid under this part with respect to the disability of such officer.

(2) No benefit is payable under this part with respect to the disability of a public safety officer if a benefit is payable under this part with respect to the death of such public safety officer.

(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

(1) the public safety officer, while on duty—

(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

(2) the heart attack, stroke, or vascular rupture commences—

(A) while the officer is engaged or participating as described in paragraph (1);

(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.

(l) For purposes of subsection (k), “nonroutine stressful or strenuous physical” excludes actions of a clerical, administrative, or nonmanual nature.

(m) The Bureau may suspend or end collection action on an amount disbursed pursuant to a statute enacted retroactively or

**Sec. 1202 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968****52**

otherwise disbursed in error under subsection (a) or (c), where such collection would be impractical, or would cause undue hardship to a debtor who acted in good faith.

(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.

## LIMITATIONS

SEC. 1202. [34 U.S.C. 10282] (a) IN GENERAL.—No benefit shall be paid under this part—

(1) if the fatal or catastrophic injury was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death, disability, or injury;

(2) if the public safety officer was voluntarily intoxicated at the time of his fatal or catastrophic injury;

(3) if the public safety officer was performing his duties in a grossly negligent manner at the time of his fatal or catastrophic injury;

(4) to any individual who would otherwise be entitled to a benefit under this part if such individual's actions were a substantial contributing factor to the fatal or catastrophic injury of the public safety officer; or

(5) with respect to any individual employed in a capacity other than a civilian capacity.

(b) PRESUMPTION.—In determining whether a benefit is payable under this part, the Bureau—

(1) shall presume that none of the limitations described in subsection (a) apply; and

(2) shall not determine that a limitation described in subsection (a) applies, absent clear and convincing evidence.

NATIONAL PROGRAMS FOR FAMILIES OF PUBLIC SAFETY OFFICERS WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY

SEC. 1203. [34 U.S.C. 10283] The Director is authorized to use no less than \$150,000 of the funds appropriated for this part to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have sustained fatal or catastrophic injury in the line of duty.

## DEFINITIONS

SEC. 1204. [34 U.S.C. 10284] As used in this part—

(1) "catastrophic injury" means an injury, the direct and proximate consequences of which permanently prevent an individual from performing any gainful work;

(2) "chaplain" includes any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee

of a legally organized fire or police department who was responding to a fire, rescue, or police emergency;

(3) “child” means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased or permanently and totally disabled public safety officer who, at the time of the public safety officer’s fatal or catastrophic injury, is—

(A) 18 years of age or under;

(B) over 18 years of age and a student as defined in section 8101 of title 5, United States Code; or

(C) over 18 years of age and incapable of self-support because of physical or mental disability;

(4) “firefighter” includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department;

(5) “intoxication” means a disturbance of mental or physical faculties resulting from the introduction of alcohol into the body as evidence by—

(A) a post-injury blood alcohol level of .20 per centum or greater; or

(B) a post-injury blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to his fatal or catastrophic injury; or resulting from drugs or other substances in the body;

(6) “law enforcement officer” means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws (including juvenile delinquency),<sup>19</sup> including, but not limited to, police, corrections, probation, parole, and judicial officers;

(7) “member of a rescue squad or ambulance crew” means an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

(A) is a public agency; or

(B) is (or is a part of) a nonprofit entity serving the public that—

(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;

(8) “public agency” means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, agency, or instrumentality of any of the foregoing; and

(9) “public safety officer” means—

<sup>19</sup>So in law. See amendment made by section 1164(a)(4) of Public Law 109-162.

(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain;

(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties;

(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(ii) are determined by the head of the agency to be hazardous duties; or

(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.

#### ADMINISTRATIVE PROVISIONS

SEC. 1205. [34 U.S.C. 10285] (a) The Bureau is authorized to establish such rules, regulations, and procedures as may be necessary to carry out the purposes of this part. Such rules, regulations, and procedures will be determinative of conflict of laws issues arising under this part. Rules, regulations, and procedures issued under this part may include regulations governing the recognition of agents or other persons representing claimants under this part before the Bureau. Rules, regulations, and procedures issued under this part may include regulations based on standards developed by another Federal agency for programs related to public safety officer death or disability claims. The Bureau may prescribe the maximum fees which may be charged for services performed in connection with any claim under this part before the Bureau, and any agreement in violation of such rules and regulations shall be void.

(b)(1) In making determinations under section 1201, the Bureau may utilize such administrative and investigative assistance as may be available from State and local agencies. Responsibility for making final determinations shall rest with the Bureau.

(2) In making a determination under section 1201, the Bureau shall give substantial weight to the evidence and all findings of fact

**55                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 1205**

presented by a State, local, or Federal administrative or investigative agency regarding eligibility for death or disability benefits.

(3) If the head of a State, local, or Federal administrative or investigative agency, in consultation with the principal legal officer of the agency, provides a certification of facts regarding eligibility for death or disability benefits, the Bureau shall adopt the factual findings, if the factual findings are supported by substantial evidence.

(c) Notwithstanding any other provision of law, the Bureau is authorized to use appropriated funds to conduct appeals of public safety officers' death and disability claims.

(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.

(e)(1)(A) Not later than 30 days after the date of enactment of this subsection, the Bureau shall make available on the public website of the Bureau information on all death, disability, and educational assistance claims submitted under this part that are pending as of the date on which the information is made available.

(B) Not less frequently than once per week, the Bureau shall make available on the public website of the Bureau updated information with respect to all death, disability, and educational assistance claims submitted under this part that are pending as of the date on which the information is made available.

(C) The information made available under this paragraph shall include—

(i) for each pending claim—

(I) the date on which the claim was submitted to the Bureau;

(II) the State of residence of the claimant;

(III) an anonymized, identifying claim number; and

(IV) the nature of the claim; and

(ii) the total number of pending claims that were submitted to the Bureau more than 1 year before the date on which the information is made available.

(2) Not later than 180 days after the date of enactment of this subsection, the Bureau shall publish on the public website of the Bureau a report, and shall update such report on such website not less than once every 180 days thereafter, containing—

(A) the total number of claims for which a final determination has been made during the 180-day period preceding the report;

(B) the amount of time required to process each claim for which a final determination has been made during the 180-day period preceding the report;

(C) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before that date for which a final determination has not been made;

(D) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on

or before the date that is 1 year before that date for which a final determination has not been made;

(E) for each claim described in subparagraph (D), a detailed description of the basis for delay;

(F) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before that date relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination has not been made;

(G) as of the last day of the 180-day period preceding the report, the total number of claims submitted to the Bureau on or before the date that is 1 year before that date relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination has not been made;

(H) for each claim described in subparagraph (G), a detailed description of the basis for delay;

(I) the total number of claims submitted to the Bureau relating to exposure due to the September 11th, 2001, terrorism attacks for which a final determination was made during the 180-day period preceding the report, and the average award amount for any such claims that were approved;

(J) the result of each claim for which a final determination was made during the 180-day period preceding the report, including the number of claims rejected and the basis for any denial of benefits;

(K) the number of final determinations which were appealed during the 180-day period preceding the report, regardless of when the final determination was first made;

(L) the average number of claims processed per reviewer of the Bureau during the 180-day period preceding the report;

(M) for any claim submitted to the Bureau that required the submission of additional information from a public agency, and for which the public agency completed providing all of the required information during the 180-day period preceding the report, the average length of the period beginning on the date the public agency was contacted by the Bureau and ending on the date on which the public agency submitted all required information to the Bureau;

(N) for any claim submitted to the Bureau for which the Bureau issued a subpoena to a public agency during the 180-day period preceding the report in order to obtain information or documentation necessary to determine the claim, the name of the public agency, the date on which the subpoena was issued, and the dates on which the public agency was contacted by the Bureau before the issuance of the subpoena; and

(O) information on the compliance of the Bureau with the obligation to offset award amounts under section 1201(f)(3), including—

(i) the number of claims that are eligible for compensation under both this part and the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42) (commonly referred to as the “VCF”);



**57            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 1211**

(ii) for each claim described in clause (i) for which compensation has been paid under the VCF, the amount of compensation paid under the VCF;

(iii) the number of claims described in clause (i) for which the Bureau has made a final determination; and

(iv) the number of claims described in clause (i) for which the Bureau has not made a final determination.

(3) Not later than 2 years after the date of enactment of this subsection, and 2 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study on the compliance of the Bureau with the obligation to offset award amounts under section 1201(f)(3); and

(B) submit to Congress a report on the study conducted under subparagraph (A) that includes an assessment of whether the Bureau has provided the information required under subparagraph (B)(ix) of paragraph (2) of this subsection in each report required under that paragraph.

(4) In this subsection, the term “nature of the claim” means whether the claim is a claim for—

(A) benefits under this subpart with respect to the death of a public safety officer;

(B) benefits under this subpart with respect to the disability of a public safety officer; or

(C) education assistance under subpart 2.

**SEC. 1206. [34 U.S.C. 10288] DUE DILIGENCE IN PAYING BENEFIT CLAIMS.**

(a) **IN GENERAL.**—The Bureau, with all due diligence, shall expeditiously attempt to obtain the information and documentation necessary to adjudicate a benefit claim filed under this part, including a claim for financial assistance under subpart 2.

(b) **SUFFICIENT INFORMATION UNAVAILABLE.**—If a benefit claim filed under this part, including a claim for financial assistance under subpart 2, is unable to be adjudicated by the Bureau because of a lack of information or documentation from a third party, such as a public agency, and such information is not readily available to the claimant, the Bureau may not abandon the benefit claim unless the Bureau has utilized the investigative tools available to the Bureau to obtain the necessary information or documentation, including subpoenas.

**Subpart 2—Educational Assistance to Dependents of Public Safety Officers Killed or Disabled in the Line of Duty**

**SEC. 1211. [34 U.S.C. 10301] PURPOSES.**

The purposes of this subpart are—

(1) to enhance the appeal of service in public safety agencies;

(2) to extend the benefits of higher education to qualified and deserving persons who, by virtue of the death of or total disability of an eligible officer, may not be able to afford it otherwise; and

(3) to allow the family members of eligible officers to attain the vocational and educational status which they would have attained had a parent or spouse not been killed or disabled in the line of duty.

**SEC. 1212. [34 U.S.C. 10302] BASIC ELIGIBILITY.**

(a) **BENEFITS.**—(1) The Attorney General shall provide financial assistance to a person who attends a program of education and is—

(A) the child of any eligible public safety officer under subpart 1; or

(B) the spouse of an officer described in subparagraph (A) at the time of the officer's death or on the date of a totally and permanently disabling injury.

(2) Except as provided in paragraph (3), financial assistance under this subpart shall consist of direct payments to an eligible person and shall be computed on the basis set forth in section 3532 of title 38, United States Code.

(3) The financial assistance referred to in paragraph (2) shall be reduced by the amount, if any, determined under section 1214(b).

(b) **DURATION OF BENEFITS.**—No person shall receive assistance under this subpart for a period in excess of forty-five months of full-time education or training or a proportional period of time for a part-time program.

(c) **AGE LIMITATION FOR CHILDREN.**—

(1) **IN GENERAL.**—Subject to paragraph (2), no child shall be eligible for assistance under this subpart after the child's 27th birthday absent a finding by the Attorney General of extraordinary circumstances precluding the child from pursuing a program of education.

(2) **DELAYED APPROVALS.**—

(A) **EDUCATIONAL ASSISTANCE APPLICATION.**—If a claim for assistance under this subpart is approved more than 1 year after the date on which the application for such assistance is filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

(i) beginning on the day after the date that is 1 year after the date on which the application is filed; and

(ii) ending on the date on which the application is approved.

(B) **CLAIM FOR BENEFITS FOR DEATH OR PERMANENT AND TOTAL DISABILITY.**—In addition to an extension under subparagraph (A), if any, for an application for assistance under this subpart that relates to a claim for benefits under subpart 1 that was approved more than 1 year after the date on which the claim was filed with the Attorney General, the age limitation under this subsection shall be extended by the length of the period—

(i) beginning on the day after the date that is 1 year after the date on which the claim for benefits is submitted; and

**59 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1216**

(ii) ending on the date on which the claim for benefits is approved.

**SEC. 1213. [34 U.S.C. 10303] APPLICATIONS; APPROVAL.**

(a) APPLICATION.—A person seeking assistance under this subpart shall submit an application to the Attorney General in such form and containing such information as the Attorney General reasonably may require.

(b) APPROVAL.—The Attorney General shall approve an application for assistance under this subpart unless the Attorney General finds that—

(1) the person is not eligible for, is no longer eligible for, or is not entitled to the assistance for which application is made;

(2) the person's selected educational institution fails to meet a requirement under this subpart for eligibility;

(3) the person's enrollment in or pursuit of the educational program selected would fail to meet the criteria established in this subpart for programs; or

(4) the person already is qualified by previous education or training for the educational, professional, or vocational objective for which the educational program is offered.

(c) NOTIFICATION.—The Attorney General shall notify a person applying for assistance under this subpart of approval or disapproval of the application in writing.

**SEC. 1214. [34 U.S.C. 10304] REGULATIONS.**

(a) IN GENERAL.—The Attorney General may promulgate reasonable and necessary regulations to implement this subpart.

(b) SLIDING SCALE.—Notwithstanding section 1213(b), the Attorney General shall issue regulations regarding the use of a sliding scale based on financial need to ensure that an eligible person who is in financial need receives priority in receiving funds under this subpart.

**SEC. 1215. [34 U.S.C. 10305] DISCONTINUATION FOR UNSATISFACTORY CONDUCT OR PROGRESS.**

The Attorney General may discontinue assistance under this subpart when the Attorney General finds that, according to the regularly prescribed standards and practices of the educational institution, the recipient fails to maintain satisfactory progress as described in section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)).

**SEC. 1216. [34 U.S.C. 10306] SPECIAL RULE.**

(a) RETROACTIVE ELIGIBILITY.—Notwithstanding any other provision of law, a spouse or child of a Federal law enforcement officer killed in the line of duty on or after January 1, 1978, and a spouse or child of a public safety officer killed in the line of duty on or after January 1, 1978, shall be eligible for assistance under this subpart, subject to the other limitations of this subpart.

(b) RETROACTIVE ASSISTANCE.—The Attorney General may provide retroactive assistance to a person eligible under this section for each month in which the person pursued a program of education at an eligible educational institution. The Attorney General

**Sec. 1217 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968****60**

shall apply the limitations contained in this subpart to retroactive assistance.

(c) **PROSPECTIVE ASSISTANCE.**—The Attorney General may provide prospective assistance to a person eligible under this section on the same basis as assistance to a person otherwise eligible. In applying the limitations on assistance under this subpart, the Attorney General shall include assistance provided retroactively. A person eligible under this section may waive retroactive assistance and apply only for prospective assistance on the same basis as a person otherwise eligible.

**SEC. 1217. [34 U.S.C. 10307] DEFINITIONS.**

For purposes of this subpart:

(1) The term “Attorney General” means the Attorney General of the United States.

(2) The term “program of education” means any curriculum or any combination of unit courses or subjects pursued at an eligible educational institution, which generally is accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. It includes course work for the attainment of more than one objective if in addition to the previous requirements, all the objectives generally are recognized as reasonably related to a single career field.

(3) The term “eligible educational institution” means an institution which—

(A) is an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) is eligible to participate in programs under title IV of such Act.

**SEC. 1218. [34 U.S.C. 10308] AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this subpart such sums as may be necessary.

**PART M—REGIONAL INFORMATION SHARING SYSTEMS****SEC. 1301. [34 U.S.C. 10321] REGIONAL INFORMATION SHARING SYSTEMS GRANTS.**

(a) The Director of the Bureau of Justice Assistance is authorized to make grants and enter into contracts with State, tribal, and local criminal justice agencies and nonprofit organizations for the purposes of identifying, targeting, and removing criminal conspiracies and activities and terrorist conspiracies and activities spanning jurisdictional boundaries.

(b) Grants and contracts awarded under this part shall be made for—

(1) maintaining and operating regional information sharing systems that are responsive to the needs of participating enforcement agencies in addressing multijurisdictional offenses and conspiracies, and that are capable of providing controlling input, dissemination, rapid retrieval, and systematized updating of information to authorized agencies;

(2) establishing and operating an analytical component to assist participating agencies and projects in the compilation,

**61            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1403**

interpretation, and presentation of information provided to a project;

(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, tribal, and local law enforcement agencies;

(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and

(5) other programs designated by the Director that are designed to further the purposes of this part.

(c) The Director is authorized to promulgate such rules and regulations as are necessary to carry out the purposes of this section, including rules and regulations for submitting and reviewing applications.

(d) **AUTHORIZATION OF APPROPRIATION TO THE BUREAU OF JUSTICE ASSISTANCE.**—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section \$50,000,000 for fiscal year 2002 and \$100,000,000 for fiscal year 2003.

**PART N—GRANTS FOR CLOSED-CIRCUIT TELEVISIONING OF TESTIMONY OF CHILDREN WHO ARE VICTIMS OF ABUSE**

**FUNCTION OF THE DIRECTOR**

**SEC. 1401. [34 U.S.C. 10331]** The Director shall provide funds to eligible States and units of local government pursuant to this part.

**DESCRIPTION OF GRANT PROGRAM**

**SEC. 1402. [34 U.S.C. 10332]** The Director is authorized to make grants to provide equipment and personnel training for the closed-circuit televising and video taping of the testimony of children in criminal proceedings for the violation of laws relating to the abuse of children.

**APPLICATIONS TO RECEIVE GRANTS**

**SEC. 1403. [34 U.S.C. 10333]** To request a grant under section 1402, the chief executive officer of a State or unit of local government shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

(1) a certification that Federal funds made available under section 1402 of this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of such funds, be made available for criminal proceedings for the violation of laws relating to the abuse of children; and<sup>20</sup>

(2) a certification that funds required to pay the non-Federal portion of the cost of equipment and personnel training for which such grant is made shall be in addition to funds that

<sup>20</sup>Section 40156(c)(3)(B) of P.L. 103-322 amended section 1403(1) by inserting “and” after paragraph (1). The amendment probably should have inserted “and” at the end of paragraph (1).

**Sec. 1404 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968****62**

would otherwise be made available by the recipients of grant funds for criminal proceedings for the violation of laws relating to the abuse of children.

## REVIEW OF APPLICATIONS

SEC. 1404. **[34 U.S.C. 10334]** (a) An applicant is eligible to receive a grant under this part if—<sup>21</sup>

(1) the applicant certifies and the Director determines that there is in effect in the State a law that permits the closed-circuit televising and video taping of testimony of children in criminal proceedings for the violation of laws relating to the abuse of children;

(2) the applicant certifies and the Director determines that State law meets the following criteria:

(A) the judges determination that a child witness will be traumatized by the presence of the defendant must be made on a case-by-case basis;

(B) the trauma suffered must be more than de minimis;

(C) the child witness must give his/her statements under oath;

(D) the child witness must submit to cross-examination; and

(E) the finder of fact must be permitted to observe the demeanor of the child witness in making his or her statement and the defendant must be able to contemporaneously communicate with his defense attorney; and<sup>22</sup>

(3) the Director determines that the application submitted under section 1402 or amendment to such application is consistent with the requirements of this title.

(b) Each application or amendment made and submitted for approval to the Director pursuant to section 1403 shall be deemed approved, in whole or in part, by the Director not later than 60 days after first received unless the Director informs the applicant of specific reasons for disapproval.

(c) The Director shall not finally disapprove any application, or any amendment thereto, submitted to the Director under this section without first affording the applicant reasonable notice and opportunity for reconsideration.

**[Section 1405 was repealed by section 40156(c)(5) of the Violent Crime Control and Law Enforcement Act of 1994.]**

## REPORTS

SEC. 1406. **[34 U.S.C. 10335]** (a) Each State or unit of local government that receives a grant under this part 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—

<sup>21</sup> So in law. See section 40156(c)(4)(A)(i) of the Violent Crime Control and Law Enforcement Act of 1994.

<sup>22</sup> Section 40156(c)(4)(iv) of P.L. 103-322 inserted "and" after subparagraph (E). The amendment probably should have inserted "and" at the end of (2)(E).

**63 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1407**

(1) a summary of the activities carried out with such grant and an assessment of the impact of such activities on meeting the needs identified in the application submitted under section 1403 of this title<sup>23</sup>; and

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

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

(b) Not later than 90 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report that includes with respect to each State—

(1) the aggregate amount of grants made under this title to the State and units of local government in the State for such fiscal year; and

(2) a summary of the information provided in compliance with subsection (a)(1).

## EXPENDITURE OF GRANTS; RECORDS

SEC. 1407. [34 U.S.C. 10336] (a) A grant made under this part may not be expended for more than 75 percent of the cost of the identified uses, in the aggregate, for which such grant is received to carry out section 1402, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

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

(c)(1) Grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) shall keep such records as the Director may require by rule to facilitate such an audit..<sup>24</sup>

(2) The Director and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of grant recipients (or private organizations with which grant recipients have contracted to provide equipment or training using grant funds) if, in the opinion of the Director or the Comptroller General, such books, documents, and records are related to the receipt or use of any such grant.

(d) UTILIZATION OF PRIVATE SECTOR.—Nothing in this part shall prohibit the utilization of any grant funds to contract with a private organization to provide equipment or training for the televising of testimony as contemplated by the application submitted by an applicant.

**[Section 1408 was repealed by section 40156(c)(8) of the Violent Crime Control and Law Enforcement Act of 1994.]**

<sup>23</sup> Section 40156(c)(6)(A)(ii) of P.L. 103-322 amended 1406(a) by striking “title” and inserting “part”. The amendment was executed the first place “part” appears.

<sup>24</sup> So in law. See section 40156(c)(7)(A)(i) of the Violent Crime Control and Law Enforcement Act of 1994.

DEFINITIONS

SEC. 1409. [34 U.S.C. 10337] For purposes of this part—

(1) the term “child” means an individual under the age of 18 years; and

(2) the term “abuse” means physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.

PART O—RURAL DRUG ENFORCEMENT

RURAL DRUG ENFORCEMENT ASSISTANCE

SEC. 1501. [34 U.S.C. 10351] (a) Of the total amount appropriated for this section in any fiscal year:

(1) 50 percent shall be allocated to and shared equally among rural States as described in subsection (b); and

(2) 50 percent shall be allocated to the remaining States for use in nonmetropolitan areas within those States, as follows:

(A) \$250,000 to each nonrural State; and

(B) of the total funds remaining after the allocation in subparagraph (A), there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described as the population of such State bears to the population of all States.

(b) For the purpose of this section, the term “rural State” means a State that has a population density of fifty-two or fewer persons per square mile or a State in which the largest county has fewer than one hundred and fifty thousand people, based on the decennial census of 1990 through fiscal year 1997.

OTHER REQUIREMENTS

SEC. 1502. [34 U.S.C. 10352] Subparts 1 and 3 of part E of this title shall apply with respect to funds appropriated to carry out this part, in the same manner as such subparts apply to funds appropriated to carry out part E, except that—

(1) section 505(a) of this title shall not apply with respect to this part; and

(2) in addition to satisfying the requirements of section 502, each application for a grant under this part shall include in its application a statement specifying how such grant will be coordinated with a grant received under section 505 of this title for the same fiscal year.

**PART P—CRIMINAL CHILD SUPPORT ENFORCEMENT**

SEC. 1601. [34 U.S.C. 10361] GRANT AUTHORIZATION.

(a) IN GENERAL.—The Director of the Bureau of Justice Assistance may make grants under this part to States, for the use by States, and local entities in the States to develop, implement, and enforce criminal interstate child support legislation and coordinate criminal interstate child support enforcement efforts.



**65 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1604**

(b) USES OF FUNDS.—Funds distributed under this part shall be used to—

(1) develop a comprehensive assessment of existing criminal interstate child support enforcement efforts, including the identification of gaps in, and barriers to, the enforcement of such efforts;

(2) plan and implement comprehensive long-range strategies for criminal interstate child support enforcement;

(3) reach an agreement within the State regarding the priorities of such State in the enforcement of criminal interstate child support legislation;

(4) develop a plan to implement such priorities; and

(5) coordinate criminal interstate child support enforcement efforts.

**SEC. 1602. [34 U.S.C. 10362] STATE APPLICATIONS.**

(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

(2) An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

(b) STATE OFFICE.—The office responsible for the trust fund required by section 507—

(1) shall prepare the application required under section 1602; and

(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

**SEC. 1603. [34 U.S.C. 10363] REVIEW OF STATE APPLICATIONS.**

(a) IN GENERAL.—The Bureau shall make a grant under section 1601(a) to carry out the projects described in the application submitted by an applicant under section 1602 upon determining that—

(1) the application is consistent with the requirements of this part; and

(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

(b) APPROVAL.—Each application submitted under section 1602 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first received unless the Bureau informs the applicant of specific reasons for disapproval.

(c) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

**SEC. 1604. [34 U.S.C. 10364] LOCAL APPLICATIONS.**

(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a local entity shall submit an application to the office designated under section 1602(b).

**Sec. 1605 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968****66**

(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

(4) If an application under paragraph (1) is approved, the local entity is eligible to receive funds under this part.

(b) **DISTRIBUTION TO LOCAL ENTITIES.**—A State that receives funds under section 1601 in a fiscal year shall make such funds available to a local entity with an approved application within 45 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director may waive the 45-day requirement in this section upon a finding that the State is unable to satisfy the requirement of the preceding sentence under State statutes.

**SEC. 1605. [34 U.S.C. 10365] DISTRIBUTION OF FUNDS.**

The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the project described in the application submitted under section 1602(a) for the fiscal year for which the project receives assistance under this part.

**SEC. 1606. [34 U.S.C. 10366] EVALUATION.**

(a) **IN GENERAL.**—(1) Each State and local entity that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the Director of the National Institute of Justice.

(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of the State or local entity involved.

(b) **DISTRIBUTION.**—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

(c) **ADMINISTRATIVE COSTS.**—A State or local entity may use not more than 5 percent of the funds it receives under this part to develop an evaluation program under this section.

**SEC. 1607. [34 U.S.C. 10367] DEFINITIONS.**

For purposes of this part, the term “local entity” means a child support enforcement agency, law enforcement agency, prosecuting attorney, or unit of local government.

## **PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; “COPS ON THE BEAT”**

**SEC. 1701. [34 U.S.C. 10381] AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.**

(a) **GRANT AUTHORIZATION.**—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).

**67                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968   Sec. 1701**

(b) USES OF GRANT AMOUNTS<sup>25</sup>.—The purposes for which grants made under subsection (a) may be made are—

(1) to rehire law enforcement officers who have been laid off as a result of State, tribal, or local budget reductions for deployment in community-oriented policing;

(2) to hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation, including by prioritizing the hiring and training of veterans (as defined in section 101 of title 38, United States Code);

(3) to procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

(4) to award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;

(5) to increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

(6) to provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

(7) to increase police participation in multidisciplinary early intervention teams;

(8) to develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State, tribal, and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;

(9) to develop and implement innovative programs to permit members of the community to assist State, tribal, and local law enforcement agencies in the prevention of crime in the community, such as a citizens' police academy, including programs designed to increase the level of access to the criminal justice system enjoyed by victims, witnesses, and ordinary citizens by establishing decentralized satellite offices (including video facilities) of principal criminal courts buildings;

(10) to establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

(11) to establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

<sup>25</sup>The amendment made by section 1163(a)(3)(A) of Public Law 109-162 to strike "ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—" and insert "USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—" was executed by striking "ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—" and inserting new text to reflect the probable intent of Congress. The heading for the inserted matter probably should read "USES OF GRANT AMOUNTS.—".

(12) to establish school-based partnerships between local law enforcement agencies and local school systems by using school resource officers who operate in and around elementary and secondary schools to combat school-related crime and disorder problems, gangs, and drug activities;

(13) to develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy;

(14) to assist a State or Indian tribe in enforcing a law throughout the State or tribal community that requires that a convicted sex offender register his or her address with a State, tribal, or local law enforcement agency and be subject to criminal prosecution for failure to comply;

(15) to establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members;

(16) to support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing;

(17) to participate in nationally recognized active shooter training programs that offer scenario-based, integrated response courses designed to counter active shooter threats or acts of terrorism against individuals or facilities;

(18) to provide specialized training to law enforcement officers to—

(A) recognize individuals who have a mental illness; and

(B) properly interact with individuals who have a mental illness, including strategies for verbal de-escalation of crises;

(19) to establish collaborative programs that enhance the ability of law enforcement agencies to address the mental health, behavioral, and substance abuse problems of individuals encountered by law enforcement officers in the line of duty;

(20) to provide specialized training to corrections officers to recognize individuals who have a mental illness;

(21) to enhance the ability of corrections officers to address the mental health of individuals under the care and custody of jails and prisons, including specialized training and strategies for verbal de-escalation of crises;

(22) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (21); and

(23) to establish peer mentoring mental health and wellness pilot programs within State, tribal, and local law enforcement agencies.

**69 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1701**

(c) **PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.**—In awarding grants under this part, the Attorney General may give preferential consideration, where feasible, to an application—

(1) for hiring and rehiring additional career law enforcement officers that involves a non-Federal contribution exceeding the 25 percent minimum under subsection (g);

(2) from an applicant in a State that has in effect a law that—

(A) treats a minor who has engaged in, or has attempted to engage in, a commercial sex act as a victim of a severe form of trafficking in persons;

(B) discourages or prohibits the charging or prosecution of an individual described in subparagraph (A) for a prostitution or sex trafficking offense, based on the conduct described in subparagraph (A); and

(C) encourages the diversion of an individual described in subparagraph (A) to appropriate service providers, including child welfare services, victim treatment programs, child advocacy centers, rape crisis centers, or other social services; or

(3) from an applicant in a State that has in effect a law—

(A) that—

(i) provides a process by which an individual who is a human trafficking survivor can move to vacate any arrest or conviction records for a non-violent offense committed as a direct result of human trafficking, including prostitution or lewdness;

(ii) establishes a rebuttable presumption that any arrest or conviction of an individual for an offense associated with human trafficking is a result of being trafficked, if the individual—

(I) is a person granted nonimmigrant status pursuant to section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i));

(II) is the subject of a certification by the Secretary of Health and Human Services under section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)); or

(III) has other similar documentation of trafficking, which has been issued by a Federal, State, or local agency; and

(iii) protects the identity of individuals who are human trafficking survivors in public and court records; and

(B) that does not require an individual who is a human trafficking survivor to provide official documentation as described in subclause (I), (II), or (III) of subparagraph (A)(ii) in order to receive protection under the law.

(d) **TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—The Attorney General may provide technical assistance to States, units of local government, Indian tribal governments, and to other public and private entities, in

furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(2) MODEL.—The technical assistance provided by the Attorney General may include the development of a flexible model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

(3) TRAINING CENTERS AND FACILITIES.—The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, supervisors, and such others as the Attorney General considers to be appropriate concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1994.

(e) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

(f) MINIMUM AMOUNT.—Unless all applications submitted by any State and grantee within the State pursuant to subsection (a) have been funded, each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, “qualifying State” means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

(g) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year for up to 5 years, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

(h) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B).

(i) TERMINATION OF GRANTS FOR HIRING OFFICERS.—Except as provided in subsection (j), the authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of

such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

(j) **GRANTS TO INDIAN TRIBES.**—

(1) **IN GENERAL.**—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

(2) **PRIORITY OF FUNDING.**—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

(3) **FEDERAL SHARE.**—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

(A) shall be 100 percent; and

(B) may be used to cover indirect costs.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$40,000,000 for each of fiscal years 2011 through 2015.

(k) **REPORT.**—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

(1) the problem of intermittent funding;

(2) the integration of COPS personnel with existing law enforcement authorities; and

(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.

**SEC. 1702. [34 U.S.C. 10382] APPLICATIONS.**

(a) **IN GENERAL.**—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

(b) **APPLICATION.**—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

(c) **CONTENTS.**—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies;

- (2) demonstrate a specific public safety need;
- (3) explain the applicant's inability to address the need without Federal assistance;
- (4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;
- (5) certify that there has been appropriate coordination with all affected agencies;
- (6) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;
- (7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support;
- (8) if the application is for a grant for hiring or rehiring additional career law enforcement officers, specify plans for the assumption by the applicant of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;
- (9) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;
- (10) explain how the grant will be utilized to reorient the affected law enforcement agency's mission toward community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and
- (11) provide assurances that the applicant will, to the extent practicable, seek, recruit, and hire members of racial and ethnic minority groups and women in order to increase their ranks within the sworn positions in the law enforcement agency.

(d) SPECIAL PROVISIONS.—

(1) SMALL JURISDICTIONS.—Notwithstanding any other provision of this part, in relation to applications under this part of units of local government or law enforcement agencies having jurisdiction over areas with populations of less than 50,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

(2) SMALL GRANT AMOUNT.—Notwithstanding any other provision of this part, in relation to applications under section 1701(b) for grants of less than \$1,000,000, the Attorney General may waive 1 or more of the requirements of subsection (c) and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of such applications.

**SEC. 1703. [34 U.S.C. 10383] RENEWAL OF GRANTS.**

(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives its initial grant, if the Attorney General determines that the funds made available to the re-



recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

(b) **GRANTS FOR HIRING.**—Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, subject to the requirements of subsection (a), but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

(c) **MULTIYEAR GRANTS.**—A grant for a period exceeding 1 year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed 3 years, or 5 years if it is a grant made for hiring or rehiring additional career law enforcement officers.

**SEC. 1704. [34 U.S.C. 10384] LIMITATION ON USE OF FUNDS.**

(a) **NONSUPPLANTING REQUIREMENT.**—Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, or, in the case of Indian tribal governments, funds supplied by the Bureau of Indian Affairs, but shall be used to increase the amount of funds that would, in the absence of Federal funds received under this part, be made available from State or local sources, or in the case of Indian tribal governments, from funds supplied by the Bureau of Indian Affairs.

(b) **NON-FEDERAL COSTS.**—

(1) **IN GENERAL.**—States and units of local government may use assets received through the Assets Forfeiture equitable sharing program to provide the non-Federal share of the cost of programs, projects, and activities funded under this part.

(2) **INDIAN TRIBAL GOVERNMENTS.**—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

(c) **HIRING COSTS.**—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed \$75,000, unless the Attorney General grants a waiver from this limitation.

**SEC. 1705. [34 U.S.C. 10385] PERFORMANCE EVALUATION.**

(a) **MONITORING COMPONENTS.**—Each program, project, or activity funded under this part shall contain a monitoring component, developed pursuant to guidelines established by the Attorney General. The monitoring required by this subsection shall include systematic identification and collection of data about activities, accomplishments, and programs throughout the life of the program, project, or activity and presentation of such data in a usable form.

(b) **EVALUATION COMPONENTS.**—Selected grant recipients shall be evaluated on the local level or as part of a national evaluation, pursuant to guidelines established by the Attorney General. Such evaluations may include assessments of individual program implementations. In selected jurisdictions that are able to support outcome evaluations, the effectiveness of funded programs, projects, and activities may be required. Outcome measures may include

**Sec. 1706 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968**

74

crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

(c) PERIODIC REVIEW AND REPORTS.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the monitoring and evaluations required under subsections (a) and (b) and such other data and information as the Attorney General deems reasonably necessary.

**SEC. 1706. [34 U.S.C. 10386] REVOCATION OR SUSPENSION OF FUNDING.**

If the Attorney General determines, as a result of the reviews required by section 1705, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

**SEC. 1707. [34 U.S.C. 10387] ACCESS TO DOCUMENTS.**

(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

(b) BY THE COMPTROLLER GENERAL.—Subsection (a) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

**SEC. 1708. [34 U.S.C. 10388] GENERAL REGULATORY AUTHORITY.**

The Attorney General may promulgate regulations and guidelines to carry out this part.

**SEC. 1709. [34 U.S.C. 10389] DEFINITIONS.**

In this part—

(1) “career law enforcement officer” means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.

(2) “citizens’ police academy” means a program by local law enforcement agencies or private nonprofit organizations in which citizens, especially those who participate in neighborhood watch programs, are trained in ways of facilitating communication between the community and local law enforcement in the prevention of crime.

(3) “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.

(4) “school resource officer” means a career law enforcement officer, with sworn authority, deployed in community-oriented policing, and assigned by the employing police depart-

**75            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1801**

ment or agency to work in collaboration with schools and community-based organizations—

(A) to address crime and disorder problems, gangs, and drug activities affecting or occurring in or around an elementary or secondary school;

(B) to develop or expand crime prevention efforts for students;

(C) to educate likely school-age victims in crime prevention and safety;

(D) to develop or expand community justice initiatives for students;

(E) to train students in conflict resolution, restorative justice, and crime awareness;

(F) to assist in the identification of physical changes in the environment that may reduce crime in or around the school; and

(G) to assist in developing school policy that addresses crime and to recommend procedural changes.

(5) “commercial sex act” has the meaning given the term in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102).

(6) “minor” means an individual who has not attained the age of 18 years.

(7) “severe form of trafficking in persons” has the meaning given the term in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102).

## **PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS**

### **SEC. 1801. [34 U.S.C. 10401] PROGRAM AUTHORIZED.**

(a) **IN GENERAL.**—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to specially qualified units.

(b) **AUTHORIZED ACTIVITIES.**—Amounts paid to a State or a unit of local government under this part shall be used by the State or unit of local government for the purpose of strengthening the juvenile justice system, which includes—

(1) developing, implementing, and administering graduated sanctions for juvenile offenders;

(2) building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities;

(3) hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system;

(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced;

(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and

for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

(6) establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime;

(7) establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders;

(8) establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders;

(9) establishing and maintaining a system of juvenile records designed to promote public safety;

(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts;

(11) establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies;

(12) establishing and maintaining programs to conduct risk and need assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders;

(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include research-based bullying, cyberbullying, and gang prevention programs;

(14) establishing and maintaining restorative justice programs;

(15) establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

(16) hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming; or

(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.

(c) DEFINITION.—In this section the term “restorative justice program” means a program that emphasizes the moral accountability of an offender toward the victim and the affected community and may include community reparations boards, restitution (in the form of monetary payment or service to the victim or, where no victim can be identified, service to the affected community), and mediation between victim and offender.

**77 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1802****SEC. 1801A. [34 U.S.C. 10402] TRIBAL GRANT PROGRAM AUTHORIZED.**

(a) **IN GENERAL.**—From the amount reserved under section 1810(b), the Attorney General shall make grants to Indian tribes for programs to strengthen tribal juvenile justice systems and to hold tribal youth accountable.

(b) **ELIGIBILITY.**—Indian tribes, as defined by section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a), or a consortia of such tribes, shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. Only tribes that carry out tribal juvenile justice functions shall be eligible to receive a grant under this section.

(c) **AWARDS.**—The Attorney General shall award grants under this section on a competitive basis.

(d) **GUIDELINES.**—The Attorney General shall issue guidelines establishing application, use, and award criteria and processes consistent with the purposes and requirements of this Act.

**SEC. 1802. [34 U.S.C. 10403] GRANT ELIGIBILITY.**

(a) **STATE ELIGIBILITY.**—To be eligible to receive a grant under this part, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by guidelines, including—

(1) information about—

(A) the activities proposed to be carried out with such grant; and

(B) the criteria by which the State proposes to assess the effectiveness of such activities on achieving the purposes of this part, including the extent to which evidence-based approaches are utilized; and

(2) assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or shall have in effect, not later than 1 year after the date that the State submits such application) laws, or has implemented (or shall implement, not later than 1 year after the date that the State submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (d).

(b) **LOCAL ELIGIBILITY.**—

(1) **SUBGRANT ELIGIBILITY.**—To be eligible to receive a subgrant, a unit of local government, other than a specially qualified unit, shall provide to the State—

(A) information about—

(i) the activities proposed to be carried out with such subgrant; and

(ii) the criteria by which the unit proposes to assess the effectiveness of such activities on achieving the purposes of this part, including the extent to which evidence-based approaches are utilized; and

(B) such assurances as the State shall require, that, to the maximum extent applicable, the unit of local government has in effect (or shall have in effect, not later than 1 year after the date that the unit submits such application) laws, or has implemented (or shall implement, not

later than 1 year after the date that the unit submits such application) policies and programs, that provide for a system of graduated sanctions described in subsection (d).

(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to a specially qualified unit that receives funds from the Attorney General under section 1803(e), except that information that is otherwise required to be submitted to the State shall be submitted to the Attorney General.

(c) ROLE OF COURTS.—In the development of the grant application, the States and units of local governments shall take into consideration the needs of the judicial branch in strengthening the juvenile justice system and specifically seek the advice of the chief of the highest court of the State and where appropriate, the chief judge of the local court, with respect to the application.

(d) GRADUATED SANCTIONS.—A system of graduated sanctions, which may be discretionary as provided in subsection (e), shall ensure, at a minimum, that—

(1) sanctions are imposed on a juvenile offender for each delinquent offense;

(2) sanctions escalate in intensity with each subsequent, more serious delinquent offense;

(3) there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender; and

(4) appropriate consideration is given to public safety and victims of crime.

(e) DISCRETIONARY USE OF SANCTIONS.—

(1) VOLUNTARY PARTICIPATION.—A State or unit of local government may be eligible to receive a grant under this part if—

(A) its system of graduated sanctions is discretionary; and

(B) it demonstrates that it has promoted the use of a system of graduated sanctions by taking steps to encourage implementation of such a system by juvenile courts.

(2) REPORTING REQUIREMENT IF GRADUATED SANCTIONS NOT USED.—

(A) JUVENILE COURTS.—A State or unit of local government in which the imposition of graduated sanctions is discretionary shall require each juvenile court within its jurisdiction—

(i) which has not implemented a system of graduated sanctions, to submit an annual report that explains why such court did not implement graduated sanctions; and

(ii) which has implemented a system of graduated sanctions but has not imposed graduated sanctions in all cases, to submit an annual report that explains why such court did not impose graduated sanctions in all cases.

(B) UNITS OF LOCAL GOVERNMENT.—Each unit of local government, other than a specially qualified unit, that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information re-

**79            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1803**

ported under subparagraph (A) for submission to the State each year.

(C) STATES.—Each State and specially qualified unit that has 1 or more juvenile courts that use a discretionary system of graduated sanctions shall collect the information reported under subparagraph (A) for submission to the Attorney General each year. A State shall also collect and submit to the Attorney General the information collected under subparagraph (B).

(f) DEFINITIONS.—In this section:

(1) DISCRETIONARY.—The term “discretionary” means that a system of graduated sanctions is not required to be imposed by each and every juvenile court in a State or unit of local government.

(2) SANCTIONS.—The term “sanctions” means tangible, proportional consequences that hold the juvenile offender accountable for the offense committed. A sanction may include counseling, restitution, community service, a fine, supervised probation, or confinement.

**SEC. 1803. [34 U.S.C. 10404] ALLOCATION AND DISTRIBUTION OF FUNDS.**

(a) STATE ALLOCATION.—

(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part and except as provided in paragraph (3), the Attorney General shall allocate—

(A) 0.50 percent for each State; and

(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

(2) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

(b) LOCAL DISTRIBUTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each State which receives funds under subsection (a)(1) in a fiscal year shall distribute among units of local government, for the purposes specified in section 1801, not less than 75 percent of such amounts received.

(2) WAIVER.—If a State submits to the Attorney General an application for waiver that demonstrates and certifies to the Attorney General that—

(A) the State’s juvenile justice expenditures in the fiscal year preceding the date in which an application is submitted under this part (the “State percentage”) is more than 25 percent of the aggregate amount of juvenile justice expenditures by the State and its eligible units of local government; and

(B) the State has consulted with as many units of local government in such State, or organizations representing such units, as practicable regarding the State's calculation of expenditures under subparagraph (A), the State's application for waiver under this paragraph, and the State's proposed uses of funds.

(3) ALLOCATION.—In making the distribution under paragraph (1), the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

(A) the sum of—

(i) the product of—

(I) three-quarters; multiplied by

(II) the average juvenile justice expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

(ii) the product of—

(I) one-quarter; multiplied by

(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

(4) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (3) for a payment period shall not exceed 100 percent of juvenile justice expenditures of the unit for such payment period.

(5) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (4) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or juvenile justice expenditures for a unit of local government is insufficient or inaccurate, the State shall—

(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

(2) if necessary, use the best available comparable data regarding the number of violent crimes or juvenile justice expenditures for the relevant years for the unit of local government.

(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN \$10,000.—If under this section a unit of local government is allocated less than \$10,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

(e) DIRECT GRANTS TO SPECIALLY QUALIFIED UNITS.—

(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the appli-



**81                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1805**

cation deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to specially qualified units which meet the requirements for funding under section 1802.

(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for specially qualified units the Attorney General may use the average amount allocated by the States to units of local government as a basis for awarding grants under this section.

**SEC. 1804. [34 U.S.C. 10405] GUIDELINES.**

(a) IN GENERAL.—The Attorney General shall issue guidelines establishing procedures under which a State or specifically qualified unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

(b) ADVISORY BOARD.—

(1) IN GENERAL.—The guidelines referred to in subsection (a) shall include a requirement that such eligible State or unit of local government establish and convene an advisory board to recommend a coordinated enforcement plan for the use of such funds.

(2) MEMBERSHIP.—The board shall include representation from, if appropriate—

- (A) the State or local police department;
- (B) the local sheriff's department;
- (C) the State or local prosecutor's office;
- (D) the State or local juvenile court;
- (E) the State or local probation office;
- (F) the State or local educational agency;
- (G) a State or local social service agency;
- (H) a nonprofit, nongovernmental victim advocacy organization; and
- (I) a nonprofit, religious, or community group.

**SEC. 1805. [34 U.S.C. 10406] PAYMENT REQUIREMENTS.**

(a) TIMING OF PAYMENTS.—The Attorney General shall pay to each State or specifically qualified unit of local government that receives funds under section 1803 that has submitted an application under this part the amount awarded to such State or unit of local government not later than the later of—

(1) the date that is 180 days after the date that the amount is available; or

(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c).

(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

(1) REPAYMENT REQUIRED.—From amounts awarded under this part, a State or specially qualified unit shall repay to the Attorney General, before the expiration of the 36-month period beginning on the date of the award, any amount that is not expended by such State or unit.

(2) **EXTENSION.**—The Attorney General may adopt policies and procedures providing for a one-time extension, by not more than 12 months, of the period referred to in paragraph (1).

(3) **PENALTY FOR FAILURE TO REPAY.**—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

(4) **DEPOSIT OF AMOUNTS REPAYED.**—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States and specially qualified units.

(c) **ADMINISTRATIVE COSTS.**—A State or unit of local government that receives funds under this part may use not more than 5 percent of such funds to pay for administrative costs.

(d) **NONSUPPLANTING REQUIREMENT.**—Funds made available under this part to States and units of local government shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

(e) **MATCHING FUNDS.**—

(1) **IN GENERAL.**—The Federal share of a grant received under this part may not exceed 90 percent of the total program costs.

(2) **CONSTRUCTION OF FACILITIES.**—Notwithstanding paragraph (1), with respect to the cost of constructing juvenile detention or correctional facilities, the Federal share of a grant received under this part may not exceed 50 percent of approved cost.

**SEC. 1806. [34 U.S.C. 10407] UTILIZATION OF PRIVATE SECTOR.**

Funds or a portion of funds allocated under this part may be used by a State or unit of local government that receives a grant under this part to contract with private, nonprofit entities, or community-based organizations to carry out the purposes specified under section 1801(b).

**SEC. 1807. [34 U.S.C. 10408] ADMINISTRATIVE PROVISIONS.**

(a) **IN GENERAL.**—A State or specially qualified unit that receives funds under this part shall—

(1) establish a trust fund in which the government will deposit all payments received under this part;

(2) use amounts in the trust fund (including interest) during the period specified in section 1805(b)(1) and any extension of that period under section 1805(b)(2);

(3) designate an official of the State or specially qualified unit to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

(4) spend the funds only for the purpose of strengthening the juvenile justice system.

(b) **TITLE I PROVISIONS.**—Except as otherwise provided, the administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

**83            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1809****SEC. 1808. [34 U.S.C. 10409] ASSESSMENT REPORTS.****(a) REPORTS TO ATTORNEY GENERAL.—**

(1) **IN GENERAL.**—Except as provided in paragraph (4), for each fiscal year for which a grant or subgrant is awarded under this part, each State or specially qualified unit of local government that receives such a grant shall submit to the Attorney General a grant report, and each unit of local government that receives such a subgrant shall submit to the State a subgrant report, at such time and in such manner as the Attorney General may reasonably require.

(2) **GRANT REPORT.**—Each grant report required by paragraph (1) shall include—

(A) a summary of the activities carried out with such grant;

(B) if such activities included any subgrant, a summary of the activities carried out with each such subgrant; and

(C) an assessment of the effectiveness of such activities on achieving the purposes of this part.

(3) **SUBGRANT REPORT.**—Each subgrant report required by paragraph (1) shall include—

(A) a summary of the activities carried out with such subgrant; and

(B) an assessment of the effectiveness of such activities on achieving the purposes of this part.

(4) **WAIVERS.**—The Attorney General may waive the requirement of an assessment in paragraph (2)(C) for a State or specially qualified unit of local government, or in paragraph (3)(B) for a unit of local government, if the Attorney General determines that—

(A) the nature of the activities are such that assessing their effectiveness would not be practical or insightful;

(B) the amount of the grant or subgrant is such that carrying out the assessment would not be an effective use of those amounts; or

(C) the resources available to the State or unit are such that carrying out the assessment would pose a financial hardship on the State or unit.

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

(1) a summary of the information provided under subsection (a);

(2) an assessment by the Attorney General of the grant program carried out under this part; and

(3) such other information as the Attorney General considers appropriate.

**SEC. 1809. [34 U.S.C. 10410] DEFINITIONS.**

In this part:

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

(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local govern-

ment as determined by the Secretary of Commerce for general statistical purposes;

(B) any law enforcement district or judicial enforcement district that—

(i) is established under applicable State law; and

(ii) has the authority, in a manner independent of other State entities, to establish a budget and raise revenues; and

(C) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

(2) SPECIALLY QUALIFIED UNIT.—The term “specially qualified unit” means a unit of local government which may receive funds under this part only in accordance with section 1803(e).

(3) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that—

(A) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands (the “partial States”) shall collectively be considered as 1 State; and

(B) for purposes of section 1803(a), the amount allocated to a partial State shall bear the same proportion to the amount collectively allocated to the partial States as the population of the partial State bears to the collective population of the partial States.

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

(5) JUVENILE JUSTICE EXPENDITURES.—The term “juvenile justice expenditures” means expenditures in connection with the juvenile justice system, including expenditures in connection with such system to carry out—

(A) activities specified in section 1801(b); and

(B) other activities associated with prosecutorial and judicial services and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

(6) PART 1 VIOLENT CRIMES.—The term “part 1 violent crimes” means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

#### SEC. 1810. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, \$350,000,000 for each of fiscal years 2006 through 2009.

(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—

(1) IN GENERAL.—Of the amount authorized to be appropriated under section 261 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.), there shall be available to the Attorney General, for each of the

**85            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1902**

fiscal years 2002 through 2004 (as applicable), to remain available until expended—

(A) not more than 2 percent of that amount, for research, evaluation, and demonstration consistent with this part;

(B) not more than 2 percent of that amount, for training and technical assistance; and

(C) not more than 1 percent, for administrative costs to carry out the purposes of this part.

(2) **OVERSIGHT PLAN.**—The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

(c) **TRIBAL SET-ASIDE.**—Of the amounts appropriated under subsection (a), 2 percent shall be made available for programs that receive grants under section 1801A.

## **PART S—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS**

### **SEC. 1901. [34 U.S.C. 10421] GRANT AUTHORIZATION.**

(a) The Attorney General may make grants under this part to States, for use by States and units of local government for the purpose of—

(1) developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional and detention facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment;

(2) encouraging the establishment and maintenance of drug-free prisons and jails; and

(3) developing and implementing specialized residential substance abuse treatment programs that identify and provide appropriate treatment to inmates with co-occurring mental health and substance abuse disorders or challenges.

(b) **CONSULTATION.**—The Attorney General shall consult with the Secretary of Health and Human Services to ensure that projects of substance abuse treatment and related services for State prisoners incorporate applicable components of existing comprehensive approaches including relapse prevention and aftercare services.

(c) **ADDITIONAL USE OF FUNDS.**—States that demonstrate that they have existing in-prison drug treatment programs that are in compliance with Federal requirements may use funds awarded under this part for treatment and sanctions both during incarceration and after release.

### **SEC. 1902. [34 U.S.C. 10422] STATE APPLICATIONS.**

(a) **IN GENERAL.**—(1) To request a grant under this part the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not

supplant, non-Federal funds that would otherwise be available for activities funded under this part.

(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).

(b) **SUBSTANCE ABUSE TESTING REQUIREMENT.**—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

(1) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

(2) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State.

(c) **REQUIREMENT FOR AFTERCARE COMPONENT.**—

(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.

(2) State aftercare services must involve the coordination of the correctional facility treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the substance abuse treatment program.

(3) To qualify as an aftercare program, the head of the substance abuse treatment program, in conjunction with State and local authorities and organizations involved in substance abuse treatment, shall assist in placement of substance abuse treatment program participants with appropriate community substance abuse treatment facilities when such individuals leave the correctional facility at the end of a sentence or on parole.

(4) After care services required by this subsection shall be funded through funds provided for this part.

(d) **COORDINATION OF FEDERAL ASSISTANCE.**—Each application submitted for a grant under this section shall include a description of how the funds made available under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services currently provided by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

**87                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 1904**

(e) STATE OFFICE.—The office responsible for the trust fund required by section 507—

(1) shall prepare the application as required under this section; and

(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

(f) USE OF GRANT AMOUNTS FOR NONRESIDENTIAL AFTERCARE SERVICES.—A State may use amounts received under this part to provide nonresidential substance abuse treatment aftercare services for inmates or former inmates that meet the requirements of subsection (c), if the chief executive officer of the State certifies to the Attorney General that the State is providing, and will continue to provide, an adequate level of residential treatment services.

**SEC. 1903. [34 U.S.C. 10423] REVIEW OF STATE APPLICATIONS.**

(a) IN GENERAL.—The Attorney General shall make a grant under section 1901 to carry out the projects described in the application submitted under section 1902 upon determining that—

(1) the application is consistent with the requirements of this part; and

(2) before the approval of the application the Attorney General has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

(b) APPROVAL.—Each application submitted under section 1902 shall be considered approved, in whole or in part, by the Attorney General not later than 90 days after first received unless the Attorney General informs the applicant of specific reasons for disapproval.

(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Attorney General shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

(e) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.

**SEC. 1904. [34 U.S.C. 10424] ALLOCATION AND DISTRIBUTION OF FUNDS.**

(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

(1) 0.4 percent shall be allocated to each of the participating States; and

(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the

State prison population of such State bears to the total prison population of all the participating States.

(b) **FEDERAL SHARE.**—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1902 for the fiscal year for which the projects receive assistance under this part.

(c) **LOCAL ALLOCATION.**—At least 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year shall be used by the State to make grants to local correctional and detention facilities in the State (provided such facilities exist therein), for the purpose of assisting jail-based substance abuse treatment programs that are effective and science-based established by those local correctional facilities.

(d) **RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.**—In this part, the term “residential substance abuse treatment program” means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).

**SEC. 1905. [34 U.S.C. 10425] EVALUATION.**

Each State that receives a grant under this part shall submit to the Attorney General an evaluation not later than March 1 of each year in such form and containing such information as the Attorney General may reasonably require.

**PART T—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN<sup>26</sup>**

**SEC. 2001. [34 U.S.C. 10441] PURPOSE OF THE PROGRAM AND GRANTS.**

(a) **GENERAL PROGRAM PURPOSE.**—The purpose of this part is to assist States, State and local courts (including juvenile courts), Indian tribal governments, tribal courts, and units of local government to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving violent crimes against women.

(b) **PURPOSES FOR WHICH GRANTS MAY BE USED.**—Grants under this part shall provide personnel, training, technical assistance, data collection and other resources for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women, for the protection and safety of victims, and specifically, for the purposes of—

(1) training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate use of nonimmigrant status under subparagraphs (T) and (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a));

<sup>26</sup>Typeface so in law.



(2) developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking;

(3) developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking, as well as the appropriate treatment of victims;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking;

(5) developing, enlarging, or strengthening victim services and legal assistance programs<sup>27</sup>, including domestic violence, dating violence, sexual assault, and stalking programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault, domestic violence, and dating violence<sup>28</sup>;

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of domestic violence, dating violence, sexual assault, and stalking;

(7) supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of State law enforcement agencies, prosecutors, courts, victim services agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, dating violence, and stalking;

(8) training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;

(9) developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence, dating violence, sexual assault, or stalking, including recognizing, investigating, and

<sup>27</sup> Section 101(2)(F)(i) of Public Law 113-4 amends paragraph (5) by inserting "and legal assistance" after "victim services". The phrase "victim services" appears two times in paragraph (5). Such amendment was carried out to the first occurrence of such phrase.

<sup>28</sup> Section 101(2)(F)(ii) of Public Law 113-4 provides for an amendment to paragraph (5) by striking "domestic violence and dating violence" and inserting "domestic violence, dating violence, and stalking". The amendment could not be executed because the matter proposed to be struck does not appear.

prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;

(10) providing assistance to victims of domestic violence and sexual assault in immigration matters;

(11) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

(12) supporting the placement of special victim assistants (to be known as “Jessica Gonzales Victim Assistants”) in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases;

(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order;

(13) providing funding to law enforcement agencies, victim services providers, and State, tribal, territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—

(A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as “Crystal Judson Victim Advocates,” to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;

(B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003));

(C) the development of such protocols in collaboration with State, tribal, territorial and local victim service providers and domestic violence coalitions.

Any law enforcement, State, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program under paragraph (13) shall on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of 2 years, provide a report of the adopted protocol to the Department of Justice, including a summary of progress in implementing such protocol;

(14) developing and promoting State, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking;

(15) developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault;

(16) developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;

(17) developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings;

(18) identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims;

(19) developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18, United States Code; and

(20) developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a State to be used for this purpose.

(c) **STATE COALITION GRANTS.**—

(1) **PURPOSE.**—The Attorney General shall award grants to each State domestic violence coalition and sexual assault coalition for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities.

(2) **GRANTS TO STATE COALITIONS.**—The Attorney General shall award grants to—

(A) each State domestic violence coalition, as determined by the Secretary of Health and Human Services under section 311 of the Family Violence Prevention and Services Act; and

(B) each State sexual assault coalition, as determined by the Center for Injury Prevention and Control of the

Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

(3) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by each State domestic violence and sexual assault coalition shall not preclude the coalition from receiving additional grants under this part to carry out the purposes described in subsection (b).

(d) TRIBAL COALITION GRANTS.—

(1) PURPOSE.—The Attorney General shall award a grant to tribal coalitions for purposes of—

(A) increasing awareness of domestic violence and sexual assault against Indian women;

(B) enhancing the response to violence against Indian women at the Federal, State, and tribal levels;

(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to Indian women victimized by domestic and sexual violence, including sex trafficking; and

(D) assisting Indian tribes in developing and promoting State, local, and tribal legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

(2) GRANTS.—The Attorney General shall award grants on an annual basis under paragraph (1) to—

(A) each tribal coalition that—

(i) meets the criteria of a tribal coalition under section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a));

(ii) is recognized by the Office on Violence Against Women; and

(iii) provides services to Indian tribes; and

(B) organizations that propose to incorporate and operate a tribal coalition in areas where Indian tribes are located but no tribal coalition exists.

(3) USE OF AMOUNTS.—For each of fiscal years 2014 through 2018, of the amounts appropriated to carry out this subsection—

(A) not more than 10 percent shall be made available to organizations described in paragraph (2)(B), provided that 1 or more organizations determined by the Attorney General to be qualified apply;

(B) not less than 90 percent shall be made available to tribal coalitions described in paragraph (2)(A), which amounts shall be distributed equally among each eligible tribal coalition for the applicable fiscal year.

(4) ELIGIBILITY FOR OTHER GRANTS.—Receipt of an award under this subsection by a tribal coalition shall not preclude the tribal coalition from receiving additional grants under this title to carry out the purposes described in paragraph (1).

(5) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this subsection prohibits any tribal coalition or organization de-

**93            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2004**

scribed in paragraph (2) from applying for funding to address sexual assault or domestic violence needs in the same application.

**SEC. 2002. [34 U.S.C. 10442] ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.**

(a) **IN GENERAL.**—There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Violence Against Women Office (in this part referred to as the “Office”).

(b) **SEPARATE OFFICE.**—The Office shall be a separate and distinct office within the Department of Justice, headed by a Director, who shall report to the Attorney General and serve as Counsel to the Attorney General on the subject of violence against women, and who shall have final authority over all grants, cooperative agreements, and contracts awarded by the Office.

(c) **JURISDICTION.**—Under the general authority of the Attorney General, the Office—

(1) shall have sole jurisdiction over all duties and functions described in section 2004; and

(2) shall be solely responsible for coordination with other departments, agencies, or offices of all activities authorized or undertaken under the Violence Against Women Act of 1994 (title VI of Public Law 103–322) and the Violence Against Women Act of 2000 (Division B of Public Law 106–386).

**SEC. 2003. [34 U.S.C. 10443] DIRECTOR OF VIOLENCE AGAINST WOMEN OFFICE.**

(a) **APPOINTMENT.**—The President, by and with the advice and consent of the Senate, shall appoint a Director for the Violence Against Women Office (in this title referred to as the “Director”) to be responsible, under the general authority of the Attorney General, for the administration, coordination, and implementation of the programs and activities of the Office.

(b) **OTHER EMPLOYMENT.**—The Director shall not—

(1) engage in any employment other than that of serving as Director; or

(2) hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other agreement under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) or the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(c) **VACANCY.**—In the case of a vacancy, the President may designate an officer or employee who shall act as Director during the vacancy.

(d) **COMPENSATION.**—The Director shall be compensated at a rate of pay not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

**SEC. 2004. [34 U.S.C. 10444] DUTIES AND FUNCTIONS OF DIRECTOR OF VIOLENCE AGAINST WOMEN OFFICE.**

The Director shall have the following duties:

(1) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women.

(2) Providing information to the President, the Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to violence against women.

(3) Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.

(4) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations.

(5) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (title IV of Public Law 103-322) and the Violence Against Women Act of 2000 (division B of Public Law 106-386), including with respect to those functions—

(A) the development of policy, protocols, and guidelines;

(B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and

(C) the award and termination of grants, cooperative agreements, and contracts.

(6) Providing technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to violence against women, including the litigation of civil and criminal actions relating to enforcing such laws;

(B) other Federal, State, local, and tribal agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate violence against women, including Indian or indigenous women; and

(C) grantees, in efforts to combat violence against women and to provide support and assistance to victims of such violence.

(7) Exercising such other powers and functions as may be vested in the Director pursuant to this part or by delegation of the Attorney General.

(8) Establishing such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

**SEC. 2005. [34 U.S.C. 10445] STAFF OF VIOLENCE AGAINST WOMEN OFFICE.**

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the Director's responsibilities under this part.

**SEC. 2006. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this part for each fiscal year until fiscal year 2005.

**95                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 2007****SEC. 2007. [34 U.S.C. 10446] STATE GRANTS.**

(a) **GENERAL GRANTS.**—The Attorney General may make grants to States, for use by States, State and local courts (including juvenile courts), units of local government, victim service providers<sup>29</sup>, and Indian tribal governments for the purposes described in section 2001(b).

(b) **AMOUNTS.**—Of the amounts appropriated for the purposes of this part—

(1) 10 percent shall be available for grants under the program authorized by section 2015, which shall not otherwise be subject to the requirements of this part (other than section 2008);

(2) 2.5 percent shall be available for grants for State domestic violence coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, and the coalition for the combined Territories of the United States, each receiving an amount equal to  $\frac{1}{56}$  of the total amount made available under this paragraph for each fiscal year;

(3) 2.5 percent shall be available for grants for State sexual assault coalitions under section 2001(c), with the coalition for each State, the coalition for the District of Columbia, the coalition for the Commonwealth of Puerto Rico, coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to  $\frac{1}{56}$  of the total amount made available under this paragraph for each fiscal year;

(4)  $\frac{1}{56}$  shall be available for grants under section 2001(d);

(5) \$600,000 shall be available for grants to applicants in each State; and

(6) the remaining funds shall be available for grants to applicants in each State in an amount that bears the same ratio to the amount of remaining funds as the population of the State bears to the population of all of the States that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

(c) **QUALIFICATION.**—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

(1) the funds shall be used for any of the purposes described in section 2001(b);

(2) grantees and subgrantees shall develop a plan for implementation and shall consult and coordinate with—

(A) the State sexual assault coalition;

(B) the State domestic violence coalition;

(C) the law enforcement entities within the State;

(D) prosecution offices;

(E) State and local courts;

(F) Tribal governments in those States with State or federally recognized Indian tribes;

<sup>29</sup>The amendment made by section 101(3)(A) of Public Law 113-4 to strike “nonprofit non-governmental victim service programs” and insert “victim service providers” was executed by striking “service[s]” (in its plural form) in the matter proposed to be struck in order to reflect the probable intent of Congress.

- (G) representatives from underserved populations, including culturally specific populations;
  - (H) victim service providers;
  - (I) population specific organizations; and
  - (J) other entities that the State or the Attorney General identifies as needed for the planning process;
- (3) grantees shall coordinate the State implementation plan described in paragraph (2) with the State plans described in section 307 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) and the programs described in section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) and section 393A of the Public Health Service Act (42 U.S.C. 280b-1b).
- (4)<sup>30</sup> of the amount granted—
- (A) not less than 25 percent shall be allocated for law enforcement;
  - (B) not less than 25 percent shall be allocated for prosecutors;
  - (C) not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to culturally specific community-based organizations; and
  - (D) not less than 5 percent shall be allocated to State and local courts (including juvenile courts); and
- (4) any Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle.
- (5) not later than 2 years after the date of enactment of this Act, and every year thereafter, not less than 20 percent of the total amount granted to a State under this subchapter shall be allocated for programs or projects in 2 or more allocations listed in paragraph (4) that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.
- (d) APPLICATION REQUIREMENTS.—An application for a grant under this section shall include—
- (1) the certifications of qualification required under subsection (c);
  - (2) proof of compliance with the requirements for the payment of forensic medical exams and judicial notification, described in section 2010;
  - (3) proof of compliance with the requirements for paying fees and costs relating to domestic violence and protection order cases, described in section 2011 of this title;
  - (4) proof of compliance with the requirements prohibiting polygraph examinations of victims of sexual assault, described in section 2013 of this title;
  - (5) an implementation plan required under subsection (i); and

<sup>30</sup>Two paragraph (4)s' so in law.



**97                    OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2007**

(6) any other documentation that the Attorney General may require.

(e) **DISBURSEMENT.**—

(1) **IN GENERAL.**—Not later than 60 days after the receipt of an application under this part, the Attorney General shall—

(A) disburse the appropriate sums provided for under this part; or

(B) inform the applicant why the application does not conform to the terms of section 513 or to the requirements of this section.

(2) **REGULATIONS.**—In disbursing monies under this part, the Attorney General shall issue regulations to ensure that States will—

(A) give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence, dating violence, sexual assault, and stalking programs in the population and geographic area to be served in relation to the availability of such programs in other such populations and geographic areas;

(B) determine the amount of subgrants based on the population and geographic area to be served;

(C) equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes; and

(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund culturally specific services and activities for underserved populations are distributed equitably among those populations.

(3) **CONDITIONS.**—In disbursing grants under this part, the Attorney General may impose reasonable conditions on grant awards to ensure that the States meet statutory, regulatory, and other program requirements.

(f) **FEDERAL SHARE.**—The Federal share of a grant made under this subtitle may not exceed 75 percent of the total costs of the projects described in the application submitted, except that, for purposes of this subsection, the costs of the projects for victim services or tribes for which there is an exemption under section 40002(b)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(1)) shall not count toward the total costs of the projects.

(g) **INDIAN TRIBES.**—Funds appropriated by the Congress for the activities of any agency of an Indian tribal government or of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of the cost of programs or projects funded under this part.

(h) **GRANTEE REPORTING.**—

(1) **IN GENERAL.**—Upon completion of the grant period under this part, a State or Indian tribal grantee shall file a performance report with the Attorney General explaining the activities carried out, which report shall include an assessment of the effectiveness of those activities in achieving the purposes of this part.

(2) CERTIFICATION BY GRANTEE AND SUBGRANTEES.—A section of the performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant.

(3) SUSPENSION OF FUNDING.—The Attorney General shall suspend funding for an approved application if—

(A) an applicant fails to submit an annual performance report;

(B) funds are expended for purposes other than those described in this part; or

(C) a report under paragraph (1) or accompanying assessments demonstrate to the Attorney General that the program is ineffective or financially unsound.

(i) IMPLEMENTATION PLANS.—A State applying for a grant under this part shall—

(1) develop an implementation plan in consultation with the entities listed in subsection (c)(2), that identifies how the State will use the funds awarded under this part, including how the State will meet the requirements of subsection (c)(5); and

(2) submit to the Attorney General—

(A) the implementation plan developed under paragraph (1);

(B) documentation from each member of the planning committee as to their participation in the planning process;

(C) documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing—

(i) the need for the grant funds;

(ii) the intended use of the grant funds;

(iii) the expected result of the grant funds; and

(iv) the demographic characteristics of the populations to be served, including age, disability, race, ethnicity, and language background;

(D) a description of how the State will ensure that any subgrantees will consult with victim service providers during the course of developing their grant applications in order to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims;

(E) demographic data on the distribution of underserved populations within the State and a description of how the State will meet the needs of underserved populations, including the minimum allocation for population specific services required under subsection (c)(4)(C);

(F) a description of how the State plans to meet the regulations issued pursuant to subsection (e)(2);

(G) goals and objectives for reducing domestic violence-related homicides within the State; and

(H) any other information requested by the Attorney General.

**99            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 2010**

(j) REALLOCATION OF FUNDS.—A State may use any returned or remaining funds for any authorized purpose under this part if—

- (1) funds from a subgrant awarded under this part are returned to the State; or
- (2) the State does not receive sufficient eligible applications to award the full funding within the allocations in subsection (c)(4)<sup>31</sup>

**SEC. 2008. [34 U.S.C. 10447] DEFINITIONS AND GRANT CONDITIONS.**

In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.

**SEC. 2009. [34 U.S.C. 10448] GENERAL TERMS AND CONDITIONS.**

(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this part, the Attorney General may request any Federal agency to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State, tribal, and local assistance efforts.

(b) REPORTING.—Not later than 1 month after the end of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that includes, for each State and for each grantee Indian tribe—

- (1) the number of grants made and funds distributed under this part;
- (2) a summary of the purposes for which those grants were provided and an evaluation of their progress;
- (3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability, and the membership of persons served in any underserved population; and
- (4) an evaluation of the effectiveness of programs funded under this part.

(c) REGULATIONS OR GUIDELINES.—Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment, the Attorney General shall publish final regulations or guidelines implementing this part.

**SEC. 2010. [34 U.S.C. 10449] RAPE EXAM PAYMENTS.**

(a) RESTRICTION OF FUNDS.—

(1) IN GENERAL.—A State, Indian tribal government, or unit of local government shall not be entitled to funds under this subchapter unless the State, Indian tribal government, unit of local government, or another governmental entity—

(A) incurs the full out-of-pocket cost of forensic medical exams described in subsection (b) for victims of sexual assault; and

(B) coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.

<sup>31</sup>So in law. There is no period.

**Sec. 2011 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 100**

(2) REDISTRIBUTION.—Funds withheld from a State or unit of local government under paragraph (1) shall be distributed to other States or units of local government pro rata. Funds withheld from an Indian tribal government under paragraph (1) shall be distributed to other Indian tribal governments pro rata.

(b) MEDICAL COSTS.—A State, Indian tribal government, or unit of local government shall be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—

(1) provides such exams to victims free of charge to the victim; or

(2) arranges for victims to obtain such exams free of charge to the victims.

(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

(d) NONCOOPERATION.—

(1) IN GENERAL.—To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.

(2) COMPLIANCE PERIOD.—States, territories, and Indian tribal governments shall have 3 years from the date of enactment of this Act to come into compliance with this section.

(e) JUDICIAL NOTIFICATION.—

(1) IN GENERAL.—A State or unit of local government shall not be entitled to funds under this part unless the State or unit of local government—

(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or

(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

(i) the period ending on the date on which the next session of the State legislature ends; or

(ii) 2 years.

(2) REDISTRIBUTION.—Funds withheld from a State or unit of local government under subsection (a) shall be distributed to other States and units of local government, pro rata.

**SEC. 2011. [34 U.S.C. 10450] COSTS FOR CRIMINAL CHARGES AND PROTECTION ORDERS.**

(a) IN GENERAL.—A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part un-

**101            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2015**

less the State, Indian tribal government, or unit of local government—

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, sexual assault, or stalking, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or

(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of—

(A) the period ending on the date on which the next session of the State legislature ends; or

(B) 2 years after the date of the enactment of the Violence Against Women Act of 2000.

(b) REDISTRIBUTION.—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal government, respectively, pro rata.

(c) DEFINITION.—In this section, the term “protection order” has the meaning given the term in section 2266 of title 18, United States Code.

**SEC. 2013. [34 U.S.C. 10451] POLYGRAPH TESTING PROHIBITION.**

(a) IN GENERAL.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

(b) PROSECUTION.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.

**[Section 2014 was repealed by section 3(a) of Public Law 109–271, 120 Stat. 754.]**

**SEC. 2015. [34 U.S.C. 10452] GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

(a) GRANTS.—The Attorney General may make grants to Indian tribal governments or authorized designees of Indian tribal governments to—

(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, sex trafficking, and stalking crimes against Indian women;

(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities;

(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, sex trafficking, and stalking;

(5) work in cooperation with the community to develop education and prevention strategies directed toward issues of domestic violence, dating violence, sexual assault, sex trafficking, and stalking;

(6) provide programs for supervised visitation and safe visitation exchange of children in situations involving domestic violence, sexual assault, or stalking committed by one parent against the other with appropriate security measures, policies, and procedures to protect the safety of victims and their children;

(7) provide transitional housing for victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking, including rental or utilities payments assistance and assistance with related expenses such as security deposits and other costs incidental to relocation to transitional housing, and support services to enable a victim of domestic violence, dating violence, sexual assault, sex trafficking, or stalking to locate and secure permanent housing and integrate into a community;

(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, sex trafficking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims;

(9) provide services to address the needs of youth who are victims of domestic violence, dating violence, sexual assault, sex trafficking, or stalking and the needs of youth and children exposed to domestic violence, dating violence, sexual assault, or stalking, including support for the nonabusing parent or the caretaker of the youth or child; and

(10) develop and promote legislation and policies that enhance best practices for responding to violent crimes against Indian women, including the crimes of domestic violence, dating violence, sexual assault, sex trafficking, and stalking.

(b) COLLABORATION.—All applicants under this section shall demonstrate their proposal was developed in consultation with a nonprofit, nongovernmental Indian victim services program, including sexual assault and domestic violence victim services providers in the tribal or local community, or a nonprofit tribal domestic violence and sexual assault coalition to the extent that they exist. In the absence of such a demonstration, the applicant may meet the

**103      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2016**

requirement of this subsection through consultation with women in the community to be served.

**SEC. 2016. [34 U.S.C. 10453] TRIBAL DEPUTY.**

(a) **ESTABLISHMENT.**—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

(b) **DUTIES.**—

(1) **IN GENERAL.**—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefitted shall be a prerequisite to the making of the grant or letting of the contract;

(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

(E) represent the Office on Violence Against Women in the annual consultations under section 903;

(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

(I) ensure that adequate tribal technical assistance that is developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

(c) **AUTHORITY.**—

(1) **IN GENERAL.**—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

(A) enhancement of the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

(C) development of tribal educational awareness programs and materials;

(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

## PART U—GRANTS TO ENCOURAGE ARREST POLICIES

### SEC. 2101. [34 U.S.C. 10461] GRANTS.

(a) PURPOSE.—The purpose of this part is to encourage States, Indian tribal governments, State and local courts (including juvenile courts), tribal courts, and units of local government to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law.

(b) GRANT AUTHORITY.—The Attorney General may make grants to eligible grantees for the following purposes:

(1) To implement proarrest programs and policies in police departments, including policies for protection order violations and enforcement of protection orders across State and tribal lines.

(2) To develop policies, educational programs, protection order registries, data collection systems, and training in police departments to improve tracking of cases and classification of complaints involving domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.

(3) To centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence, dating violence, sexual assault, and stalking cases in teams or units of police officers, prosecutors, parole and probation officers, or judges.

(4) To coordinate computer tracking systems and provide the appropriate training and education about domestic violence, dating violence, sexual assault, and stalking to ensure



communication between police, prosecutors, parole and probation officers, and both criminal and family courts.

(5) To strengthen legal advocacy service programs and other victim services for victims of domestic violence, dating violence, sexual assault, and stalking, including strengthening assistance to such victims in immigration matters.

(6) To educate Federal, State, tribal, territorial, and local judges, courts, and court-based and court-related personnel in criminal and civil courts (including juvenile courts) about domestic violence, dating violence, sexual assault, and stalking and to improve judicial handling of such cases.

(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions.

(8) To develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence<sup>32</sup> dating violence, sexual assault, and stalking against older individuals (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) and individuals with disabilities (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).

(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from victim service providers, staff from population specific organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.

<sup>32</sup>So in law. A comma probably should appear after "domestic violence".

(12) To develop, enhance, and maintain protection order registries.

(13) To develop human immunodeficiency virus (HIV) testing programs for sexual assault perpetrators and notification and counseling protocols.

(14) To develop and implement training programs for prosecutors and other prosecution-related personnel regarding best practices to ensure offender accountability, victim safety, and victim consultation in cases involving domestic violence, dating violence, sexual assault, and stalking.

(15) To develop or strengthen policies, protocols, and training for law enforcement, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking against immigrant victims, including the appropriate use of applications for nonimmigrant status under subparagraphs (T) and (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(16) To develop and promote State, local, or tribal legislation and policies that enhance best practices for responding to the crimes of domestic violence, dating violence, sexual assault, and stalking, including the appropriate treatment of victims.

(17) To develop, implement, or enhance sexual assault nurse examiner programs or sexual assault forensic examiner programs, including the hiring and training of such examiners.

(18) To develop, implement, or enhance Sexual Assault Response Teams or similar coordinated community responses to sexual assault.

(19) To develop and strengthen policies, protocols, and training for law enforcement officers and prosecutors regarding the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.

(20) To provide human immunodeficiency virus testing programs, counseling, and prophylaxis for victims of sexual assault.

(21) To identify and inventory backlogs of sexual assault evidence collection kits and to develop protocols for responding to and addressing such backlogs, including policies and protocols for notifying and involving victims.

(22) To develop multidisciplinary high-risk teams focusing on reducing domestic violence and dating violence homicides by—

(A) using evidence-based indicators to assess the risk of homicide and link high-risk victims to immediate crisis intervention services;

(B) identifying and managing high-risk offenders; and

(C) providing ongoing victim advocacy and referrals to comprehensive services including legal, housing, health care, and economic assistance.

(c) ELIGIBILITY.—Eligible grantees are—

(1) States, Indian tribal governments State and local courts (including juvenile courts), or units of local government that—

**107 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2101**

(A)<sup>33</sup> except for a court, certify that their laws or official policies—

(i) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and

(ii) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;

(B) except for a court, demonstrate that their laws, policies, or practices and their training programs discourage dual arrests of offender and victim;

(C) certify that their laws, policies, or practices prohibit issuance of mutual restraining orders of protection except in cases where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense;

(D) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction;

(E) certify that, not later than 3 years after the date of enactment of this section<sup>34</sup>, their laws, policies, or practices will ensure that—

(i) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of, trial of, or sentencing for such an offense; and

(ii) the refusal of a victim to submit to an examination described in clause (i) shall not prevent the investigation of, trial of, or sentencing for the offense; and

(2) a State, tribal, or territorial domestic violence or sexual assault coalition or a victim service provider that partners with a State, Indian tribal government, or unit of local government

<sup>33</sup> Margins for subparagraphs (A) through (E) are so in law and probably should be moved 2ems to the right.

<sup>34</sup> Section 102(a)(1)(B)(v)(I) of Public Law 113-4 provides for an amendment as follows: strike “, not later than 3 years after January 5, 2006”. Such amendment could not be executed and probably should have been made to strike “, not later than 3 years after the date of enactment of this section”.

**Sec. 2102 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 108**

that certifies that the State, Indian tribal government, or unit of local government meets the requirements under paragraph (1).

(d) **SPEEDY NOTICE TO VICTIMS.**—A State or unit of local government shall not be entitled to 5 percent of the funds allocated under this part unless the State or unit of local government—

(1) certifies that it has a law, policy, or regulation that requires—

(A) the State or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented and the defendant is in custody or has been served with the information or indictment;

(B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and

(C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B); or

(2) gives the Attorney General assurances that its laws and regulations will be in compliance with requirements of paragraph (1) within the later of—

(A) the period ending on the date on which the next session of the State legislature ends; or

(B) 2 years.

(e) **ALLOTMENT FOR INDIAN TRIBES.**—

(1) **IN GENERAL.**—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015.

(2) **APPLICABILITY OF PART.**—The requirements of this part shall not apply to funds allocated for the program described in paragraph (1).

(f) **ALLOCATION FOR TRIBAL COALITIONS.**—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 5 percent shall be available for grants under section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg).

(g) **ALLOCATION FOR SEXUAL ASSAULT.**—Of the amounts appropriated for purposes of this part for each fiscal year, not less than 25 percent shall be available for projects that address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.

**SEC. 2102. [34 U.S.C. 10462] APPLICATIONS.**

(a) **APPLICATION.**—An eligible grantee shall submit an application to the Attorney General that—

**109      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2103**

(1) contains a certification by the chief executive officer of the State, Indian tribal government, court, or local government entity that the conditions of section 2101(c) are met or will be met within the later of—

(A) the period ending on the date on which the next session of the State or Indian tribal legislature ends; or

(B) 2 years of the date of enactment of this part or, in the case of the condition set forth in subsection 2101(c)(4), the expiration of the 2-year period beginning on the date of the enactment of the Violence Against Women Act of 2000;

(2) describes plans to further the purposes stated in section 2101(a);

(3) identifies the agency or office or groups of agencies or offices responsible for carrying out the program; and

(4) includes documentation from victim service providers and, as appropriate, population specific organizations demonstrating their participation in developing the application, and identifying such programs in which such groups will be consulted for development and implementation.

(b) **PRIORITY.**—In awarding grants under this part, the Attorney General shall give priority to applicants that—

(1) do not currently provide for centralized handling of cases involving domestic violence, dating violence, sexual assault, or stalking by police, prosecutors, and courts;

(2) demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence, dating violence, sexual assault, or stalking, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);

(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

(4) in applications describing plans to further the purposes stated in paragraph (4) or (7) of section 2101(b), will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.

(c) **DISSEMINATION OF INFORMATION.**—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.

**SEC. 2103. [34 U.S.C. 10463] REPORTS.**

Each grantee receiving funds under this part shall submit a report to the Attorney General evaluating the effectiveness of

**Sec. 2104 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 110**

projects developed with funds provided under this part and containing such additional information as the Attorney General may prescribe.

**SEC. 2104. [34 U.S.C. 10464] REGULATIONS OR GUIDELINES.**

Not later than 120 days after the date of enactment of this part, the Attorney General shall publish proposed regulations or guidelines implementing this part. Not later than 180 days after the date of enactment of this part, the Attorney General shall publish final regulations or guidelines implementing this part.

**SEC. 2105. [34 U.S.C. 10465] DEFINITIONS AND GRANT CONDITIONS.**

In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.

**PART V—MENTAL HEALTH COURTS<sup>35</sup>****SEC. 2201. [34 U.S.C. 10471] GRANT AUTHORITY.**

The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—

(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and

(2) the coordinated delivery of services, which includes—

(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;

(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment, or court-ordered assisted outpatient treatment when the court has determined such treatment to be necessary;

(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant's cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services; and

(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.

<sup>35</sup>This part heading does not conform to the style of the other part headings in this Act.

**111            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 2202****SEC. 2202. [34 U.S.C. 10472] DEFINITIONS.**

In this part—

(1) the term “mental illness” means a diagnosable mental, behavioral, or emotional disorder—

(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities;

(2) the term “preliminarily qualified offender with mental illness, mental retardation, or co-occurring mental and substance abuse disorders” means a person who—

(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders; or

(ii) manifests obvious signs of mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and

(B) is deemed eligible by designated judges;

(3) the term “court-ordered assisted outpatient treatment” means a program through which a court may order a treatment plan for an eligible patient that—

(A) requires such patient to obtain outpatient mental health treatment while the patient is not currently residing in a correctional facility or inpatient treatment facility; and

(B) is designed to improve access and adherence by such patient to intensive behavioral health services in order to—

(i) avert relapse, repeated hospitalizations, arrest, incarceration, suicide, property destruction, and violent behavior; and

(ii) provide such patient with the opportunity to live in a less restrictive alternative to incarceration or involuntary hospitalization; and

(4) the term “eligible patient” means an adult, mentally ill person who, as determined by a court—

(A) has a history of violence, incarceration, or medically unnecessary hospitalizations;

(B) without supervision and treatment, may be a danger to self or others in the community;

(C) is substantially unlikely to voluntarily participate in treatment;

(D) may be unable, for reasons other than indigence, to provide for any of his or her basic needs, such as food, clothing, shelter, health, or safety;

(E) has a history of mental illness or a condition that is likely to substantially deteriorate if the person is not provided with timely treatment; or

(F) due to mental illness, lacks capacity to fully understand or lacks judgment to make informed decisions regarding his or her need for treatment, care, or supervision.

**SEC. 2203. [34 U.S.C. 10473] ADMINISTRATION.**

(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and guidelines necessary to carry out this part which include, but are not limited to, the methodologies and outcome measures proposed for evaluating each applicant program.

(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

(1) include a long-term strategy and detailed implementation plan;

(2) explain the applicant's inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program, including the State mental health authority;

(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the mental health court program;

(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;

(8) describe the methodology and outcome measures that will be used in evaluating the program; and

(9) certify that participating first time offenders without a history of a mental illness will receive a mental health evaluation.

**SEC. 2204. [34 U.S.C. 10474] APPLICATIONS.**

To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may reasonably require.

**SEC. 2205. [34 U.S.C. 10475] FEDERAL SHARE.**

The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a



**113      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 2209**

matching contribution under this section. The use of the Federal share of a grant made under this part shall be limited to new expenses necessitated by the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.

**SEC. 2206. [34 U.S.C. 10476] GEOGRAPHIC DISTRIBUTION.**

The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.

**SEC. 2207. [34 U.S.C. 10477] REPORT.**

A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

**SEC. 2208. [34 U.S.C. 10478] TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.**

(a) **TECHNICAL ASSISTANCE AND TRAINING.**—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

(b) **EVALUATIONS.**—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

(c) **ADMINISTRATION.**—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.

**SEC. 2209. [34 U.S.C. 10479] MENTAL HEALTH RESPONSES IN THE JUDICIAL SYSTEM.**

(a) **PRETRIAL SCREENING AND SUPERVISION.**—

(1) **IN GENERAL.**—The Attorney General may award grants to States, units of local government, territories, Indian Tribes, nonprofit agencies, or any combination thereof, to develop, implement, or expand pretrial services programs to improve the identification and outcomes of individuals with mental illness.

(2) **ALLOWABLE USES.**—Grants awarded under this subsection may be used for—

(A) behavioral health needs and risk screening of defendants, including verification of interview information, mental health evaluation, and criminal history screening;

(B) assessment of risk of pretrial misconduct through objective, statistically validated means, and presentation to the court of recommendations based on such assessment, including services that will reduce the risk of pretrial misconduct;

(C) followup review of defendants unable to meet the conditions of pretrial release;

(D) evaluation of process and results of pre-trial service programs;

(E) supervision of defendants who are on pretrial release, including reminders to defendants of scheduled court dates;

(F) reporting on process and results of pretrial services programs to relevant public and private mental health stakeholders; and

(G) data collection and analysis necessary to make available information required for assessment of risk.

(b) BEHAVIORAL HEALTH ASSESSMENTS AND INTERVENTION.—

(1) IN GENERAL.—The Attorney General may award grants to States, units of local government, territories, Indian Tribes, nonprofit agencies, or any combination thereof, to develop, implement, or expand a behavioral health screening and assessment program framework for State or local criminal justice systems.

(2) ALLOWABLE USES.—Grants awarded under this subsection may be used for—

(A) promotion of the use of validated assessment tools to gauge the criminogenic risk, substance abuse needs, and mental health needs of individuals;

(B) initiatives to match the risk factors and needs of individuals to programs and practices associated with research-based, positive outcomes;

(C) implementing methods for identifying and treating individuals who are most likely to benefit from coordinated supervision and treatment strategies, and identifying individuals who can do well with fewer interventions; and

(D) collaborative decision-making among the heads of criminal justice agencies, mental health systems, judicial systems, substance abuse systems, and other relevant systems or agencies for determining how treatment and intensive supervision services should be allocated in order to maximize benefits, and developing and utilizing capacity accordingly.

(c) USE OF GRANT FUNDS.—A State, unit of local government, territory, Indian Tribe, or nonprofit agency that receives a grant under this section shall, in accordance with subsection (b)(2), use grant funds for the expenses of a treatment program, including—

(1) salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including costs relating to enforcement;

(2) payments for treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide needed treatment to program participants, including aftercare supervision, vocational training, education, and job placement; and

(3) payments to public and nonprofit private entities that are approved by the State or Indian Tribe and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

(d) SUPPLEMENT OF NON-FEDERAL FUNDS.—

(1) IN GENERAL.—Grants awarded under this section shall be used to supplement, and not supplant, non-Federal funds

**115      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2209**

that would otherwise be available for programs described in this section.

(2) **FEDERAL SHARE.**—The Federal share of a grant made under this section may not exceed 50 percent of the total costs of the program described in an application under subsection (e).

(e) **APPLICATIONS.**—To request a grant under this section, a State, unit of local government, territory, Indian Tribe, or nonprofit agency shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(f) **GEOGRAPHIC DISTRIBUTION.**—The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this section is equitable and includes—

(1) each State; and

(2) a unit of local government, territory, Indian Tribe, or nonprofit agency—

(A) in each State; and

(B) in rural, suburban, Tribal, and urban jurisdictions.

(g) **REPORTS AND EVALUATIONS.**—For each fiscal year, each grantee under this section during that fiscal year shall submit to the Attorney General a report on the effectiveness of activities carried out using such grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

(h) **ACCOUNTABILITY.**—Grants awarded under this section shall be subject to the following accountability provisions:

(1) **AUDIT REQUIREMENT.**—

(A) **DEFINITION.**—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice under subparagraph (C) that the audited grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 1 year after the date on which final audit report is issued.

(B) **AUDITS.**—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of grantees under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) **FINAL AUDIT REPORT.**—The Inspector General of the Department of Justice shall submit to the Attorney General a final report on each audit conducted under subparagraph (B).

(D) **MANDATORY EXCLUSION.**—Grantees under this section about which there is an unresolved audit finding shall not be eligible to receive a grant under this section during the 2 fiscal years beginning after the end of the 1-year period described in subparagraph (A).

(E) PRIORITY.—In making grants under this section, the Attorney General shall give priority to applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

(F) REIMBURSEMENT.—If an entity receives a grant under this section during the 2-fiscal-year period during which the entity is prohibited from receiving grants under subparagraph (D), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant that was improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment under clause (i) from the grantee that was erroneously awarded grant funds.

(2) NONPROFIT AGENCY REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and the grant program under this section, the term “nonprofit agency” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)).

(B) PROHIBITION.—The Attorney General may not award a grant under this section to a nonprofit agency that holds money in an offshore account for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986 (26 U.S.C. 511(a)).

(C) DISCLOSURE.—Each nonprofit agency that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—Not more than \$20,000 of the amounts made available to the Department of Justice to carry out this section may be used by the Attorney General, or by any individual or entity awarded a grant under this section to host, or make any expenditures relating to, a conference unless the Deputy Attorney General provides prior written authorization that the funds may be expended to host the conference or make such expenditure.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives an annual certification—

(A) indicating whether—

(i) all final audit reports issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(ii) all mandatory exclusions required under paragraph (1)(D) have been issued; and

(iii) any reimbursements required under paragraph (1)(F) have been made; and

(B) that includes a list of any grantees excluded under paragraph (1)(D) from the previous year.

(i) PREVENTING DUPLICATIVE GRANTS.—

(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare the possible grant with any other grants awarded to the applicant under this Act to determine whether the grants are for the same purpose.

(2) REPORT.—If the Attorney General awards multiple grants to the same applicant for the same purpose, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(A) a list of all duplicate grants awarded, including the total dollar amount of any such grants awarded; and

(B) the reason the Attorney General awarded the duplicate grants.

## **PART W—FAMILY SUPPORT**

### **SEC. 2301. [34 U.S.C. 10491] DUTIES.**

The Attorney General shall—

(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State, and local law enforcement agencies, related organizations, and other interested parties;

(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

**Sec. 2302 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 118**

(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

(6) determine issues to be researched by the Department of Justice and by grant recipients.

**SEC. 2302. [34 U.S.C. 10492] GENERAL AUTHORIZATION.**

The Attorney General may make grants to States and local law enforcement agencies and to organizations representing State or local law enforcement personnel to provide family support services to law enforcement personnel.

**SEC. 2303. [34 U.S.C. 10493] USES OF FUNDS.**

(a) **IN GENERAL.**—A State or local law enforcement agency or organization that receives a grant under this Act shall use amounts provided under the grant to establish or improve training and support programs for law enforcement personnel.

(b) **REQUIRED ACTIVITIES.**—A law enforcement agency or organization that receives funds under this part shall provide at least one of the following services:

- (1) Counseling for law enforcement family members.
- (2) Child care on a 24-hour basis.
- (3) Marital and adolescent support groups.
- (4) Stress reduction programs.
- (5) Stress education for law enforcement recruits and families.
- (6) Technical assistance and training programs to support any or all of the services described in paragraphs (1), (2), (3), (4), and (5).

(c) **OPTIONAL ACTIVITIES.**—A law enforcement agency or organization that receives funds under this part may provide the following services:

- (1) Post-shooting debriefing for officers and their spouses.
- (2) Group therapy.
- (3) Hypertension clinics.
- (4) Critical incident response on a 24-hour basis.
- (5) Law enforcement family crisis telephone services on a 24-hour basis.
- (6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.
- (7) Counseling for peers.
- (8) Counseling for families of personnel killed in the line of duty.
- (9) Seminars regarding alcohol, drug use, gambling, and overeating.
- (10) Technical assistance and training to support any or all of the services described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

**SEC. 2304. [34 U.S.C. 10494] APPLICATIONS.**

A law enforcement agency or organization desiring to receive a grant under this part shall submit to the Attorney General an

**119      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2308**

application at such time, in such manner, and containing or accompanied by such information as the Attorney General may reasonably require. Such application shall—

(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

(2) include a statement from the highest ranking law enforcement official from the State or locality or from the highest ranking official from the organization applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

(3) assure that the Attorney General or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

**SEC. 2305. [34 U.S.C. 10495] AWARD OF GRANTS; LIMITATION.**

(a) GRANT DISTRIBUTION.—In approving grants under this part, the Attorney General shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

(b) DURATION.—The Attorney General may award a grant each fiscal year, not to exceed \$100,000 to a State or local law enforcement agency or \$250,000 to a law enforcement organization for a period not to exceed 5 years. In any application from a State or local law enforcement agency or organization for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Attorney General shall review the progress made toward meeting the objectives of the program. The Attorney General may refuse to award a grant if the Attorney General finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

(c) LIMITATION.—Not more than 5 percent of grant funds received by a State or a local law enforcement agency or organization may be used for administrative purposes.

**SEC. 2306. [34 U.S.C. 10496] DISCRETIONARY RESEARCH GRANTS.**

The Attorney General may reserve 10 percent of funds to award research grants to a State or local law enforcement agency or organization to study issues of importance in the law enforcement field as determined by the Attorney General.

**SEC. 2307. [34 U.S.C. 10497] REPORTS.**

A State or local law enforcement agency or organization that receives a grant under this part shall submit to the Attorney General an annual report that includes—

- (1) program descriptions;
- (2) the number of staff employed to administer programs;
- (3) the number of individuals who participated in programs; and
- (4) an evaluation of the effectiveness of grant programs.

**SEC. 2308. [34 U.S.C. 10498] DEFINITIONS.**

For purposes of this part—

(1) the term “family-friendly policy” means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

(2) the term “law enforcement personnel” means individuals employed by Federal, State, and local law enforcement agencies.

## **PART X—DNA IDENTIFICATION GRANTS**

### **SEC. 2401. [34 U.S.C. 10511] GRANT AUTHORIZATION.**

The Attorney General may make funds available under this part to States and units of local government, or combinations thereof, to carry out all or a substantial part of a program or project intended to develop or improve the capability to analyze deoxyribonucleic acid (referred to in this part as “DNA”) in a forensic laboratory.

### **SEC. 2402. [34 U.S.C. 10512] APPLICATIONS.**

To request a grant under this part, the chief executive officer of a State or unit of local government shall submit an application in such form as the Attorney General may require.

### **SEC. 2403. [34 U.S.C. 10513] APPLICATION REQUIREMENTS.**

No grant may be made under this part unless an application has been submitted to the Attorney General in which the applicant certifies that—

(1) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994.

(2) DNA samples obtained by and DNA analyses performed at the laboratory shall be made available only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

(3) the laboratory and each analyst performing DNA analyses at the laboratory shall undergo semiannual external proficiency testing by a DNA proficiency testing program that meets the standards issued under section 210303 of the DNA Identification Act of 1994.

### **SEC. 2404. [34 U.S.C. 10514] ADMINISTRATIVE PROVISIONS.**

(a) **REGULATION AUTHORITY.**—The Attorney General may promulgate guidelines, regulations, and procedures, as necessary to carry out the purposes of this part, including limitations on the



**121      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2501**

number of awards made during each fiscal year, the submission and review of applications, selection criteria, and the extension or continuation of awards.

(b) AWARD AUTHORITY.—The Attorney General shall have final authority over all funds awarded under this part.

(c) TECHNICAL ASSISTANCE.—To assist and measure the effectiveness and performance of programs and activities funded under this part, the Attorney General may provide technical assistance as required.

**SEC. 2405. [34 U.S.C. 10515] RESTRICTIONS ON USE OF FUNDS.**

(a) FEDERAL SHARE.—The Federal share of a grant, contract, or cooperative agreement made under this part may not exceed 75 percent of the total costs of the project described in the application submitted for the fiscal year for which the project receives assistance.

(b) ADMINISTRATIVE COSTS.—A State or unit of local government may not use more than 10 percent of the funds it receives from this part for administrative expenses.

**SEC. 2406. [34 U.S.C. 10516] REPORTS.**

Each State or unit of local government which receives a grant under this part shall submit to the Attorney General, for each year in which funds from a grant received under this part is expended, a report at such time and in such manner as the Attorney General may reasonably require which contains—

(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application submitted under section 2402; and

(2) such other information as the Attorney General may require.

**SEC. 2407. [34 U.S.C. 10517] EXPENDITURE RECORDS.**

(a) RECORDS.—Each State or unit of local government which receives a grant under this part shall keep records as the Attorney General may require to facilitate an effective audit.

(b) ACCESS.—The Attorney General, the Comptroller General, or their designated agents shall have access, for the purpose of audit and examination, to any books, documents, and records of States and units of local government which receive grants made under this part if, in the opinion of the Attorney General, the Comptroller General, or their designated agents, such books, documents, and records are related to the receipt or use of any such grant.

## **PART Y—MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS**

**SEC. 2501. [34 U.S.C. 10531] PROGRAM AUTHORIZED.**

(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase armor vests for use by State, local, and tribal law enforcement officers and State and local court officers.

**Sec. 2501 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968**

122

(b) USES OF FUNDS.—Grants awarded under this section shall be—

(1) distributed directly to the State, unit of local government, State or local court, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

(1) has the greatest need for armor vests based on the percentage of law enforcement officers in the department who do not have access to a vest;

(2) has, or will institute, a mandatory wear policy that requires on-duty law enforcement officers to wear armor vests whenever feasible;

(3) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; and

(4) provides armor vests to law enforcement officers that are uniquely fitted for such officers, including vests uniquely fitted to individual female law enforcement officers; or

(5) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

(f) MATCHING FUNDS.—

(1) IN GENERAL.—The portion of the costs of a program provided by a grant under subsection (a)—

(A) may not exceed 50 percent; and

(B) shall equal 50 percent, if—

(i) such grant is to a unit of local government with fewer than 100,000 residents;

(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

(iii) such portion does not cause such grant to violate the requirements of subsection (e).

(2) INDIAN ASSISTANCE.—Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

(3) LIMITATION ON MATCHING FUNDS.—A State, unit of local government, or Indian tribe may not use funding received under any other Federal grant program to pay or defer the cost, in whole or in part, of the matching requirement under paragraph (1).

(4) WAIVER.—The Director may waive in whole or in part, the match requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.

(g) ALLOCATION OF FUNDS.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.

(h) EXPIRATION OF APPROPRIATED FUNDS.—

(1) DEFINITION.—In this subsection, the term “appropriated funds” means any amounts that are appropriated for any of fiscal years 2016 through 2020 to carry out this part.

(2) EXPIRATION.—All appropriated funds that are not obligated on or before December 31, 2022 shall be transferred to the General Fund of the Treasury not later than January 31, 2023.

**SEC. 2502. [34 U.S.C. 10532] APPLICATIONS.**

(a) IN GENERAL.—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this part, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this part shall not be eligible for a grant under this part unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of

**Sec. 2503 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968**

124

armor vests, but did not, or does not expect to use such funds for such purpose.

(d) APPLICATIONS IN CONJUNCTION WITH PURCHASES.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

(2) expressly assumes the obligation to carry out the transaction, regardless of whether such amounts are received.

**SEC. 2503. [34 U.S.C. 10533] DEFINITIONS.**

For purposes of this part—

(1) the term “armor vest” means—

(A) body armor, no less than Type I, which has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to meet or exceed the requirements of NIJ Standard 0101.03, or any subsequent revision of such standard; or

(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;

(2) the term “body armor” means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm;

(3) the term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

(4) the term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(5) the term “Indian tribe” has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

(6) the term “law enforcement officer” means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

**PART Z—TRANSITION—EFFECTIVE DATE—REPEALER****CONTINUATION OF RULES, AUTHORITIES, AND PROCEEDINGS**

SEC. 2601. [34 U.S.C. 10541] (a)(1) All orders, determinations, rules, regulations, and instructions of the Law Enforcement Assistance Administration which are in effect on the date of the enactment of the Justice System Improvement Act of 1979 shall continue in effect according to their terms until modified, terminated, super-

**125      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2601**

seded, set aside, or revoked by the President or the Attorney General, the Office of Justice Assistance, Research, and Statistics or the Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the Law Enforcement Assistance Administration with respect to their functions under this title or by operation of law.

(2) All orders, determinations, rules, regulations, and instructions issued under this title which are in effect on the date of the enactment of the Justice Assistance Act of 1984 shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Attorney General, the Assistant Attorney General, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or the Director of the Bureau of Justice Assistance with respect to their functions under this title or by operation of law.

(b) The Director of the National Institute of Justice may award new grants, enter into new contracts or cooperative agreements, or otherwise obligate previously appropriated unused or reversionary funds for the continuation of research and development projects in accordance with the provisions of this title as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, based upon applications received under this title before the date of the enactment of such Act or for purposes consistent with provisions of this title.

(c) The Director of the Bureau of Justice Statistics may award new grants, enter into new contracts or cooperative agreements or otherwise obligate funds appropriated for fiscal years before 1980 for statistical projects to be expended in accordance with the provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, based upon applications received under this title before the date of the enactment of such Act or for purposes consistent with provisions of this title.

(d) The Administrator of the Law Enforcement Assistance Administration may award new grants, enter into new contracts or cooperative agreements, approve comprehensive plans for the fiscal year beginning October 1, 1979, and otherwise obligate previously appropriated unused or reversionary funds or funds appropriated for the fiscal year beginning October 1, 1979, for the continuation of projects in accordance with the provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979 or for purposes consistent with provisions of this title.

(e) The amendments made to this title by the Justice System Improvement Act of 1979 shall not affect any suit, action, or other proceeding commenced by or against the Government before the date of the enactment of such Act.

(f) Nothing in this title prevents the utilization of funds appropriated for purposes of this title for all activities necessary or appropriate for the review, audit, investigation, and judicial or administrative resolution of audit matters for those grants or contracts that were awarded under this title. The final disposition and

dissemination of program and project accomplishments with respect to programs and projects approved in accordance with this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, which continue in operation beyond the date of the enactment of such Act may be carried out with funds appropriated for purposes of this title.

(g) Except as otherwise provided in this title, the personnel employed on the date of enactment of the Justice System Improvement Act of 1979 by the Law Enforcement Assistance Administration are transferred as appropriate to the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice or the Bureau of Justice Statistics, considering the function to be performed by these organizational units and the functions previously performed by the employee. Determinations as to specific positions to be filled in an acting capacity for a period of not more than ninety days by the Administrator and Deputy Administrators employed on the date of enactment of the Justice System Improvement Act of 1979 may be made by the Attorney General notwithstanding any other provision of law.

(h) Any funds made available under parts B, C, and E of this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, which are not obligated by a State or unit of local government, may be used to provide up to 100 percentum of the cost of any program or project.

(i) Notwithstanding any other provision of this title, all provisions of this title, as in effect on the day before the date of the enactment of the Justice System Improvement Act of 1979, which are necessary to carry out the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974, remain in effect for the sole purpose of carrying out the Juvenile Justice and Delinquency Prevention Act of 1974, and the State criminal justice council established under this title shall serve as the State planning agency for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974.

(j) Notwithstanding the provisions of section 404(c)(3), any construction projects which were funded under this title, as in effect before the date of the enactment of the Justice System Improvement Act of 1979, and which were budgeted in anticipation of receiving additional Federal funding for such construction may continue for two years to be funded under this title.

## **PART AA—MATCHING GRANT PROGRAM FOR SCHOOL SECURITY**

### **SEC. 2701. [34 U.S.C. 10551] PROGRAM AUTHORIZED.**

(a) **IN GENERAL.**—The Director of the Office of Community Oriented Policing Services (in this section referred to as the “Director”) is authorized to make grants to States, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

(b) **USES OF FUNDS.**—Grants awarded under this section shall be distributed directly to the State, unit of local government, or In-

**127      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2702**

dian tribe, and shall be used to improve security at schools and on school grounds in the jurisdiction of the grantee through one or more of the following:

- (1) Placement and use of metal detectors, locks, lighting, and other deterrent measures.
- (2) Security assessments.
- (3) Security training of personnel and students.
- (4) The development and operation of crisis intervention teams that may include coordination with law enforcement agencies and specialized training for school officials in responding to mental health crises.
- (5) Coordination with local law enforcement.
- (6) Any other measure that, in the determination of the Director, may provide a significant improvement in security.

(c) **PREFERENTIAL CONSIDERATION.**—In awarding grants under this part, the Director shall give preferential consideration, if feasible, to an application from a jurisdiction that has a demonstrated need for improved security, has a demonstrated need for financial assistance, and has evidenced the ability to make the improvements for which the grant amounts are sought.

(d) **MATCHING FUNDS.**—

(1) The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent.

(2) Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

(3) The Director may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.

(e) **EQUITABLE DISTRIBUTION.**—In awarding grants under this part, the Director shall ensure, to the extent practicable, an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

(f) **ADMINISTRATIVE COSTS.**—The Director may reserve not more than 2 percent from amounts appropriated to carry out this part for administrative costs.

**SEC. 2702. [34 U.S.C. 10552] APPLICATIONS.**

(a) **IN GENERAL.**—To request a grant under this part, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require. Each application shall—

- (1) include a detailed explanation of—
  - (A) the intended uses of funds provided under the grant; and
  - (B) how the activities funded under the grant will meet the purpose of this part; and
- (2) be accompanied by an assurance that the application was prepared after consultation with individuals not limited to law enforcement officers (such as school violence researchers,

**Sec. 2703 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 128**

child psychologists, social workers, teachers, principals, and other school personnel) to ensure that the improvements to be funded under the grant are—

(A) consistent with a comprehensive approach to preventing school violence; and

(B) individualized to the needs of each school at which those improvements are to be made.

(b) **GUIDELINES.**—Not later than 90 days after the date of the enactment of this part, the Director shall promulgate guidelines to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

**SEC. 2703. [34 U.S.C. 10553] ANNUAL REPORT TO CONGRESS.**

Not later than November 30th of each year, the Director shall submit a report to the Congress regarding the activities carried out under this part. Each such report shall include, for the preceding fiscal year, the number of grants funded under this part, the amount of funds provided under those grants, and the activities for which those funds were used.

**SEC. 2704. [34 U.S.C. 10554] DEFINITIONS.**

For purposes of this part—

(1) the term “school” means a public elementary or secondary school;

(2) the term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level; and

(3) the term “Indian tribe” has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

**SEC. 2705. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this part \$30,000,000 for each of fiscal years 2001 through 2009.

## **PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS**

**SEC. 2801. [34 U.S.C. 10561] GRANT AUTHORIZATION.**

The Attorney General shall award grants to States and units of local government in accordance with this part.

**SEC. 2802. [34 U.S.C. 10562] APPLICATIONS.**

To request a grant under this part, a State or unit of local government shall submit to the Attorney General—

(1) a certification that the State or unit of local government has developed a plan for forensic science laboratories under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

(2) a certification that any forensic science laboratory system, medical examiner’s office, or coroner’s office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the



grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations or appropriate certifying bodies and, except with regard to any medical examiner's office, or coroner's office in the State, is accredited by an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement, or attests, in a manner that is legally binding and enforceable, to use a portion of the grant amount to prepare and apply for such accreditation not more than 2 years after the date on which a grant is awarded under section 2801;

(3) a specific description of any new facility to be constructed as part of the program for a State or local plan described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c); and

(4) a certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

**SEC. 2803. [34 U.S.C. 10563] ALLOCATION.**

(a) IN GENERAL.—

(1) POPULATION ALLOCATION.—Eighty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 85 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

(2) DISCRETIONARY ALLOCATION.—Fifteen percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General's discretion for competitive awards to States and units of local government. In making awards under this part, the Attorney General shall consider the average annual number of part 1 violent crimes reported by each State to the Federal Bureau of Investigation for the 3 most recent calendar years for which data is available and consider the existing resources and current needs of the potential grant recipient.

(3) MINIMUM REQUIREMENT.—Each State shall receive not less than 1 percent of the amount made available to carry out this part in each fiscal year.

(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General

shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

(b) STATE DEFINED.—In this section, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

**SEC. 2804. [34 U.S.C. 10564] USE OF GRANTS.**

(a) IN GENERAL.—A State or unit of local government that receives a grant under this part shall use the grant to do any one or more of the following:

(1) To carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

(2) To eliminate a backlog in the analysis of forensic science evidence, including firearms examination, latent prints, impression evidence, toxicology, digital evidence, fire evidence, controlled substances, forensic pathology, questionable documents, and trace evidence.

(3) To train, assist, and employ forensic laboratory personnel and medicolegal death investigators, as needed, to eliminate such a backlog.

(4) To address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation).

(5) To educate and train forensic pathologists.

(6) To fund medicolegal death investigation systems to facilitate accreditation of medical examiner and coroner offices and certification of medicolegal death investigators.

(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded for the purpose set forth in subsection (a)(1)—

(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

(2) may not be used for any general law enforcement or nonforensic investigatory function.

(c) FACILITIES COSTS.—

**131            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2805**

(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part (including grants received by units of local government within a State) in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

(e) BACKLOG DEFINED.—For purposes of this section, a backlog in the analysis of forensic science evidence exists if such evidence—

(1) has been stored in a laboratory, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility; and

(2) has not been subjected to all appropriate forensic testing because of a lack of resources or personnel.

**SEC. 2805. [434 U.S.C. 10565] ADMINISTRATIVE PROVISIONS.**

(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

(b) EXPENDITURE RECORDS.—

(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

(2) ACCESS.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

**SEC. 2806. [34 U.S.C. 10566] REPORTS.**

(a) **REPORTS TO ATTORNEY GENERAL.**—For each fiscal year for which a grant is awarded under this part, each State or unit of local government that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

(1) a summary and assessment of the program carried out with the grant, which shall include a comparison of pre-grant and post-grant forensic science capabilities;

(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency;

(3) an identification of the number and type of cases currently accepted by the laboratory;

(4) the progress of any unaccredited forensic science service provider receiving grant funds toward obtaining accreditation; and

(5) such other information as the Attorney General may require.

(b) **REPORTS TO CONGRESS.**—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

(1) the aggregate amount of grants awarded under this part for that fiscal year; and

(2) a summary of the information provided under subsection (a).

## **PART CC—MENTAL HEALTH AND DRUG TREATMENT ALTERNATIVES TO INCARCERATION PROGRAMS**

### **SEC. 2901. [34 U.S.C. 10581] MENTAL HEALTH AND DRUG TREATMENT ALTERNATIVES TO INCARCERATION PROGRAMS.**

(a) **DEFINITIONS.**—In this section—

(1) the term “eligible entity” means a State, unit of local government, Indian tribe, or nonprofit organization; and

(2) the term “eligible participant” means an individual who—

(A) comes into contact with the criminal justice system or is arrested or charged with an offense that is not—

(i) a crime of violence, as defined under applicable State law or in section 3156 of title 18, United States Code; or

(ii) a serious drug offense, as defined in section 924(e)(2)(A) of title 18, United States Code;

(B) has a history of, or a current—

(i) substance use disorder;

(ii) mental illness; or

**133      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2901**

- (iii) co-occurring mental illness and substance use disorder; and
  - (C) has been approved for participation in a program funded under this section by the relevant law enforcement agency, prosecuting attorney, defense attorney, probation official, corrections official, judge, representative of a mental health agency, or representative of a substance abuse agency, as required by law.
- (b) PROGRAM AUTHORIZED.—The Attorney General may make grants to eligible entities to develop, implement, or expand a treatment alternative to incarceration program for eligible participants, including—
  - (1) pre-booking treatment alternative to incarceration programs, including—
    - (A) law enforcement training on substance use disorders, mental illness, and co-occurring mental illness and substance use disorders;
    - (B) receiving centers as alternatives to incarceration of eligible participants;
    - (C) specialized response units for calls related to substance use disorders, mental illness, or co-occurring mental illness and substance use disorders; and
    - (D) other arrest and pre-booking treatment alternatives to incarceration models; or
  - (2) post-booking treatment alternative to incarceration programs, including—
    - (A) specialized clinical case management;
    - (B) pre-trial services related to substances use disorders, mental illness, and co-occurring mental illness and substance use disorders;
    - (C) prosecutor and defender based programs;
    - (D) specialized probation;
    - (E) treatment and rehabilitation programs; and
    - (F) problem-solving courts, including mental health courts, drug courts, co-occurring mental health and substance abuse courts, DWI courts, and veterans treatment courts.
- (c) APPLICATION.—
  - (1) IN GENERAL.—An eligible entity desiring a grant under this section shall submit an application to the Attorney General—
    - (A) that meets the criteria under paragraph (2); and
    - (B) at such time, in such manner, and accompanied by such information as the Attorney General may require.
  - (2) CRITERIA.—An eligible entity, in submitting an application under paragraph (1), shall—
    - (A) provide extensive evidence of collaboration with State and local government agencies overseeing health, community corrections, courts, prosecution, substance abuse, mental health, victims services, and employment services, and with local law enforcement agencies;
    - (B) demonstrate consultation with the Single State Authority for Substance Abuse of the State (as that term

is defined in section 201(e) of the Second Chance Act of 2007);

(C) demonstrate that evidence-based treatment practices will be utilized; and

(D) demonstrate that evidence-based screening and assessment tools will be used to place participants in the treatment alternative to incarceration program.

(d) REQUIREMENTS.—Each eligible entity awarded a grant for a treatment alternative to incarceration program under this section shall—

(1) determine the terms and conditions of participation in the program by eligible participants, taking into consideration the collateral consequences of an arrest, prosecution or criminal conviction;

(2) ensure that each substance abuse and mental health treatment component is licensed and qualified by the relevant jurisdiction;

(3) for programs described in subsection (b)(2), organize an enforcement unit comprised of appropriately trained law enforcement professionals under the supervision of the State, Tribal, or local criminal justice agency involved, the duties of which shall include—

(A) the verification of addresses and other contact information of each eligible participant who participates or desires to participate in the program; and

(B) if necessary, the location, apprehension, arrest, and return to custody of an eligible participant in the program who has absconded from the facility of a treatment provider or has otherwise significantly violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements;

(4) notify the relevant criminal justice entity if any eligible participant in the program absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements;

(5) submit periodic reports on the progress of treatment or other measured outcomes from participation in the program of each eligible participant in the program to the relevant State, Tribal, or local criminal justice agency, including mental health courts, drug courts, co-occurring mental health and substance abuse courts, DWI courts, and veterans treatment courts;

(6) describe the evidence-based methodology and outcome measurements that will be used to evaluate the program, and specifically explain how such measurements will provide valid measures of the impact of the program; and

(7) describe how the program could be broadly replicated if demonstrated to be effective.

(e) USE OF FUNDS.—An eligible entity shall use a grant received under this section for expenses of a treatment alternative to incarceration program, including—

(1) salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit;

(2) payments for treatment providers that are approved by the relevant State or Tribal jurisdiction and licensed, if necessary, to provide needed treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement; and

(3) payments to public and nonprofit private entities that are approved by the State or Tribal jurisdiction and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program.

(f) SUPPLEMENT NOT SUPPLANT.—An eligible entity shall use Federal funds received under this section only to supplement the funds that would, in the absence of those Federal funds, be made available from other Federal and non-Federal sources for the activities described in this section, and not to supplant those funds. The Federal share of a grant made under this section may not exceed 50 percent of the total costs of the program described in an application under subsection (d).

(g) GEOGRAPHIC DISTRIBUTION.—The Attorney General shall ensure that, to the extent practicable, the geographical distribution of grants under this section is equitable and includes a grant to an eligible entity in—

- (1) each State;
- (2) rural, suburban, and urban areas; and
- (3) Tribal jurisdictions.

(h) REPORTS AND EVALUATIONS.—Each fiscal year, each recipient of a grant under this section during that fiscal year shall submit to the Attorney General a report on the outcomes of activities carried out using that grant in such form, containing such information, and on such dates as the Attorney General shall specify.

(i) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) DEFINITION.—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date on which the final audit report is issued.

(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all



food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

(A) indicating whether—

(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

(iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(5) PREVENTING DUPLICATIVE GRANTS.—

(A) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

(B) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(i) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

(ii) the reason the Attorney General awarded the duplicate grants.

## **PART DD—GRANTS FOR FAMILY-BASED SUBSTANCE ABUSE TREATMENT**

### **SEC. 2921. [34 U.S.C. 10591] GRANTS AUTHORIZED.**

The Attorney General may make grants to States, units of local government, territories, and Indian Tribes to—

(1) develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders; and

**Sec. 2922 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 138**

(2) to provide prison-based family treatment programs for incarcerated parents of minor children or pregnant women<sup>36</sup>.

**SEC. 2922. [34 U.S.C. 10592] USE OF GRANT FUNDS.**

Grants made to an entity under section 2921 for a program described in such section may be used for—

(1) the development, implementation, and expansion of prison-based family treatment programs in correctional facilities for incarcerated parents with minor children (except for any such parent who there is reasonable evidence to believe engaged in domestic violence or child abuse);

(2) the development, implementation, and expansion of residential substance abuse treatment;

(3) coordination between appropriate correctional facility representatives and the appropriate governmental agencies;

(4) payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program; and

(5) salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

**SEC. 2923. [34 U.S.C. 10593] PROGRAM REQUIREMENTS.**

(a) IN GENERAL.—A program for which a grant is made under section 2921(1) shall comply with the following requirements:

(1) The program shall ensure that all providers of substance abuse treatment are approved by the State or Indian Tribe and are licensed, if necessary, to provide medical and other health services.

(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).

(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug

<sup>36</sup>The amendment made by section 201(c)(1) of Public Law 114–198 to insert “or pregnant women” before the period in paragraph (2) was carried out according to probable intent of Congress. Such amendment should have included “of 1968” at the end of the reference to the amended law.

**139      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2927**

offender involved throughout the course of that program to encourage compliance with that program.

(8) The program shall develop and implement a reentry plan for each participant.

(b) **PRISON-BASED PROGRAMS.**—A program for which a grant is made under section 2921(2) shall comply with the following requirements:

(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

(3) The program shall be located in an area separate from the general population of the prison.

**SEC. 2924. [34 U.S.C. 10594] APPLICATIONS.**

(a) **IN GENERAL.**—An entity described in section 2921 desiring a grant under this part shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General requires.

(b) **CONTENTS.**—An application under subsection (a) shall include a description of the methods and measurements the applicant will use for purposes of evaluating the program involved.

**SEC. 2925. [34 U.S.C. 10595] REPORTS.**

An entity that receives a grant under this part during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

(1) is based on evidence-based data; and

(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

**SEC. 2926. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this part \$10,000,000 for each of fiscal years 2009 and 2010.

(b) **USE OF AMOUNTS.**—Of the amount made available to carry out this part in any fiscal year, not less than 5 percent shall be used for grants to Indian Tribes.

**SEC. 2927. [34 U.S.C. 10596] DEFINITIONS.**

In this part:

(1) **NONVIOLENT PARENT DRUG OFFENDER.**—The term “non-violent parent drug offender” means an offender who is—

(A) pregnant or<sup>37</sup> a parent of an individual under 18 years of age; and

(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

<sup>37</sup> See footnote to paragraph (2) of section 2921 of this Act.

**Sec. 2951 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 140**

(2) NONVIOLENT OFFENSE.—The term “nonviolent offense” means an offense that—

(A) does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(B) is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(3) PRISON-BASED FAMILY TREATMENT PROGRAM.—The term “prison-based family treatment program” means a program for incarcerated parents or pregnant women<sup>37</sup> in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

## **PART EE—DRUG COURTS**

### **SEC. 2951. [34 U.S.C. 10611] GRANT AUTHORITY.**

(a) IN GENERAL.—The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for adult drug courts, juvenile drug courts, family drug courts, and tribal drug courts that involve—

(1) continuing judicial supervision over offenders, and other individuals under the jurisdiction of the court, with substance abuse problems, including co-occurring substance abuse and mental health problems, who are not violent offenders;

(2) coordination with the appropriate State or local prosecutor; and

(3) the integrated administration of other sanctions and services, which shall include—

(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(B) substance abuse treatment for each participant;

(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress;

(D) offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services;

(E) payment, in whole or part, by the offender of treatment costs, to the extent practicable, such as costs for urinalysis or counseling; and

141 **OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2952**

(F) payment, in whole or part, by the offender of restitution, to the extent practicable, to either a victim of the offender's offense or to a restitution or similar victim support fund.

(b) **LIMITATION.**—Economic sanctions imposed on an offender pursuant to this section shall not be at a level that would interfere with the offender's rehabilitation.

(c) **MANDATORY DRUG TESTING AND MANDATORY SANCTIONS.**—

(1) **MANDATORY TESTING.**—Grant amounts under this part may be used for a drug court only if the drug court has mandatory periodic testing as described in subsection (a)(3)(A). The Attorney General shall, by prescribing guidelines or regulations, specify standards for the timing and manner of complying with such requirements. The standards—

(A) shall ensure that—

(i) each participant is tested for every controlled substance that the participant has been known to abuse, and for any other controlled substance the Attorney General or the court may require; and

(ii) the testing is accurate and practicable; and

(B) may require approval of the drug testing regime to ensure that adequate testing occurs.

(2) **MANDATORY SANCTIONS.**—The Attorney General shall, by prescribing guidelines or regulations, specify that grant amounts under this part may be used for a drug court only if the drug court imposes graduated sanctions that increase punitive measures, therapeutic measures, or both whenever a participant fails a drug test. Such sanctions and measures may include, but are not limited to, one or more of the following:

(A) Incarceration.

(B) Detoxification treatment.

(C) Residential treatment.

(D) Increased time in program.

(E) Termination from the program.

(F) Increased drug screening requirements.

(G) Increased court appearances.

(H) Increased counseling.

(I) Increased supervision.

(J) Electronic monitoring.

(K) In-home restriction.

(L) Community service.

(M) Family counseling.

(N) Anger management classes.

**SEC. 2952. [34 U.S.C. 10612] PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.**

The Attorney General shall—

(1) issue regulations or guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders; and

(2) immediately suspend funding for any grant under this part, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this part.

**SEC. 2953. [34 U.S.C. 10613] DEFINITION.**

(a) **IN GENERAL.**—Except as provided in subsection (b), in this part, the term “violent offender” means a person who—

(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct—

(A) the person carried, possessed, or used a firearm or dangerous weapon;

(B) there occurred the death of or serious bodily injury to any person; or

(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

(b) **DEFINITION FOR PURPOSES OF JUVENILE DRUG COURTS.**—For purposes of juvenile drug courts, the term “violent offender” means a juvenile who has been convicted of, or adjudicated delinquent for, a felony-level offense that—

(1) has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, or the possession or use of a firearm; or

(2) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

**SEC. 2954. [34 U.S.C. 10614] ADMINISTRATION.**

(a) **CONSULTATION.**—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

(b) **USE OF COMPONENTS.**—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

(c) **REGULATORY AUTHORITY.**—The Attorney General may issue regulations and guidelines necessary to carry out this part.

(d) **APPLICATIONS.**—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

(1) include a long-term strategy and detailed implementation plan that shall provide for the consultation and coordination with appropriate State and local prosecutors, particularly when program participants fail to comply with program requirements;

(2) explain the applicant’s inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate co-

**143      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2958**

ordination with all affected agencies in the implementation of the program;

(6) certify that participating offenders will be supervised by 1 or more designated judges with responsibility for the drug court program;

(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

(8) describe the methodology that will be used in evaluating the program.

**SEC. 2955. [34 U.S.C. 10615] APPLICATIONS.**

To request funds under this part, the chief executive or the chief justice of a State or the chief executive or judge of a unit of local government or Indian tribal government, or the chief judge of a State court or the judge of a local court or Indian tribal court shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

**SEC. 2956. [34 U.S.C. 10616] FEDERAL SHARE.**

(a) **IN GENERAL.**—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2955 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section.

(b) **IN-KIND CONTRIBUTIONS.**—In-kind contributions may constitute a portion of the non-Federal share of a grant.

**SEC. 2957. [34 U.S.C. 10617] DISTRIBUTION AND ALLOCATION.**

(a) **GEOGRAPHIC DISTRIBUTION.**—The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

(b) **TECHNICAL ASSISTANCE AND TRAINING.**—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Bureau of Justice Assistance to assist such State and such eligible applicants to successfully compete for future funding under this part, and to strengthen existing State drug court systems. In providing such technical assistance and training, the Bureau of Justice Assistance shall consider and respond to the unique needs of rural States, rural areas and rural communities.

**SEC. 2958. [34 U.S.C. 10618] REPORT.**

A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a description and an evaluation report on a date specified by the Attorney General regarding the effectiveness of this part.

**Sec. 2959 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 144****SEC. 2959. [34 U.S.C. 10619] TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.**

(a) **TECHNICAL ASSISTANCE AND TRAINING.**—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part, including training for drug court personnel and officials on identifying and addressing co-occurring substance abuse and mental health problems.

(b) **EVALUATIONS.**—In addition to any evaluation requirements that may be prescribed for grantees (including uniform data collection standards and reporting requirements), the Attorney General shall carry out or make arrangements for evaluations of programs that receive support under this part.

(c) **ADMINISTRATION.**—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.

**PART FF—OFFENDER REENTRY AND COMMUNITY SAFETY****SEC. 2976. [34 U.S.C. 10631] ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.**

(a) **GRANT AUTHORIZATION.**—The Attorney General shall make grants of up to \$1,000,000 to States, local governments, territories, or Indian Tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.

(b) **ADULT OFFENDER REENTRY DEMONSTRATION PROJECTS.**—Funds for adult offender reentry demonstration projects may be expended for—

(1) providing offenders in prisons, jails, or juvenile facilities with educational, literacy, vocational, and job placement services to facilitate re-entry into the community;

(2) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient and comprehensive residential services and recovery);

(3) providing coordinated supervision and comprehensive services for offenders upon release from prison, jail, or a juvenile facility, including housing and mental and physical health care to facilitate re-entry into the community, and which, to the extent applicable, are provided by community-based entities (including coordinated reentry veteran-specific services for eligible veterans);

(4) providing programs that—

(A) encourage offenders to develop safe, healthy, and responsible family relationships and parent-child relationships; and

(B) involve the entire family unit in comprehensive reentry services (as appropriate to the safety, security, and well-being of the family and child);

(5) encouraging the involvement of prison, jail, or juvenile facility mentors in the reentry process and enabling those men-



tors to remain in contact with offenders while in custody and after reentry into the community;

(6) providing victim-appropriate services, encouraging the timely and complete payment of restitution and fines by offenders to victims, and providing services such as security and counseling to victims upon release of offenders; and

(7) protecting communities against dangerous offenders by using validated assessment tools to assess the risk factors of returning inmates and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely.

(c) JUVENILE OFFENDER REENTRY DEMONSTRATION PROJECTS.—Funds for the juvenile offender reentry demonstration projects may be expended for any activity described in subsection (b).

(d) APPLICATIONS.—A State, unit of local government, territory, or Indian Tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations;

(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program; and

(4) describes how the project could be broadly replicated if demonstrated to be effective.

(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian Tribe applying for a grant under this section;

(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

(5) includes the use of a State, local, territorial, or Tribal task force, described in subsection (i), to carry out the activities funded under the grant.

(f) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this section that best—

(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

(2) include—

(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

(C) coordination with families of offenders;

(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

(A) planning while offenders are in prison, jail, or a juvenile facility, prerelease transition housing, and community release;

(B) establishing prerelease planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

(C) delivery of continuous and appropriate mental health services, drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs;

(6) target high-risk offenders for reentry programs through validated assessment tools;

(7) provide mental health treatment and transitional services for those with mental illnesses or with co-occurring disorders, including housing placement or assistance; and

(8) target offenders with histories of homelessness, substance abuse, or mental illness, including a prerelease assessment of the housing status of the offender and behavioral health needs of the offender with clear coordination with mental health, substance abuse, and homelessness services systems to achieve stable and permanent housing outcomes with appropriate support service.

(g) USES OF GRANT FUNDS.—

(1) FEDERAL SHARE.—

(A) **IN GENERAL.**—The Federal share of a grant received under this section may not exceed 50 percent of the project funded under such grant.

(B) **IN-KIND CONTRIBUTIONS.**—

(i) **IN GENERAL.**—Subject to clause (ii), the recipient of a grant under this section may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.

(ii) **MAXIMUM PERCENTAGE.**—Not more than 50 percent of the amount provided by a recipient of a grant under this section to meet the matching requirement under subparagraph (A) may be provided through in-kind contributions under clause (i).

(2) **SUPPLEMENT NOT SUPPLANT.**—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

(h) **REENTRY STRATEGIC PLAN.**—

(1) **IN GENERAL.**—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) by 50 percent over a 5-year period for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section.

(2) **COORDINATION.**—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

(3) **MEASUREMENTS OF PROGRESS.**—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

(i) **REENTRY TASK FORCE.**—

(1) **IN GENERAL.**—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and commu-

nities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

(B) provide the analysis described in subsection (e)(4).

(2) MEMBERSHIP.—The task force or other authority under this subsection shall be comprised of—

(A) relevant State, Tribal, territorial, or local leaders; and

(B) representatives of relevant—

(i) agencies;

(ii) service providers;

(iii) nonprofit organizations; and

(iv) stakeholders.

(j) STRATEGIC PERFORMANCE OUTCOMES.—

(1) IN GENERAL.—Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 234(c)(2) of the Second Chance Act of 2007;

(B) reduction in crime;

(C) increased employment and education opportunities;

(D) reduction in violations of conditions of supervised release;

(E) increased payment of child support;

(F) increased housing opportunities;

(G) reduction in drug and alcohol abuse; and

(H) increased participation in substance abuse and mental health services.

(3) OTHER OUTCOMES.—A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

(4) COORDINATION.—A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

(5) REPORT.—Each grantee under this section shall submit to the Attorney General an annual report that—

(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management

and treatment programming, offender accountability, and community and victim participation.

(k) PERFORMANCE MEASUREMENT.—

(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

(B) identify sources and methods of data collection in support of performance measurement required under this section;

(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period;

(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k); and

(4) the grantee has made adequate progress, as determined by the Attorney General, toward reducing the rate of recidivism by 10 percent over a 2-year period.

(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

(2) **ELIGIBLE ORGANIZATION.**—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

(3) **USE OF FUNDS.**—The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

(H) develop a national reentry research agenda; and

(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

(4) **LIMIT.**—Of amounts made available to carry out this section, not more than 4 percent of the authorized level shall be available to carry out this subsection.

(n) **ADMINISTRATION.**—Of amounts made available to carry out this section—

(1) not more than 2 percent of the authorized level shall be available for administrative expenses in carrying out this section; and

(2) not more than 2 percent of the authorized level shall be made available to the National Institute of Justice to evalu-

**151            OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 2978**

ate the effectiveness of the demonstration projects funded under this section, using a methodology that—

(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

(B) generates evidence on which reentry approaches and strategies are most effective.

(o) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—To carry out this section, there are authorized to be appropriated \$55,000,000 for each of fiscal years 2009 and 2010.

(2) **LIMITATION; EQUITABLE DISTRIBUTION.**—

(A) **LIMITATION.**—Of the amount made available to carry out this section for any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.

(B) **EQUITABLE DISTRIBUTION.**—The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.

**SEC. 2977. [34 U.S.C. 10632] STATE REENTRY PROJECT EVALUATION.**

(a) **EVALUATION.**—The Attorney General shall evaluate the demonstration projects authorized by section 2976 to determine their effectiveness.

(b) **REPORT.**—Not later than April 30, 2005, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate containing—

(1) the findings of the evaluation required by subsection (a); and

(2) any recommendations the Attorney General has with regard to expanding, changing, or eliminating the demonstration projects.

**SEC. 2978. [34 U.S.C. 10633] STATE, TRIBAL, AND LOCAL REENTRY COURTS.**

(a) **GRANTS AUTHORIZED.**—The Attorney General may award grants, in accordance with this section, of not more than \$500,000 to—

(1) State, Tribal, and local courts; and

(2) State agencies, municipalities, public agencies, non-profit organizations, territories, and Indian Tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

(b) **USE OF GRANT FUNDS.**—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

(1) monitor juvenile and adult offenders reentering the community;

(2) provide juvenile and adult offenders reentering the community with coordinated and comprehensive reentry services and programs such as—

- (A) drug and alcohol testing and assessment for treatment;
- (B) assessment for substance abuse from a substance abuse professional who is approved by the State or Indian Tribe and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;
- (C) substance abuse treatment from a provider that is approved by the State or Indian Tribe, and licensed, if necessary, to provide medical and other health services;
- (D) health (including mental health) services and assessment;
- (E) aftercare and case management services that—
  - (i) facilitate access to clinical care and related health services; and
  - (ii) coordinate with such clinical care and related health services; and
- (F) any other services needed for reentry;
- (3) convene community impact panels, victim impact panels, or victim impact educational classes;
- (4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—
  - (A) housing assistance;
  - (B) education;
  - (C) job training;
  - (D) conflict resolution skills training;
  - (E) batterer intervention programs; and
  - (F) other appropriate social services; and
- (5) establish and implement graduated sanctions and incentives.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement such drug court in accordance with paragraphs (1) through (5) of subsection (b).

(d) **APPLICATION.**—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

- (1) describes the program to be assisted under this section and the need for such program;
- (2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;
- (3) identifies the governmental and community agencies that will be coordinated by the project;
- (4) certifies that—
  - (A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;
  - (B) there will be appropriate coordination with all such agencies in the implementation of the program; and
  - (C) there will be appropriate coordination and consultation with the Single State Authority for Substance



**153      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2978**

- Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) of the State; and
- (5) describes the methodology and outcome measures that will be used to evaluate the program.
- (e) FEDERAL SHARE.—
- (1) MATCHING REQUIREMENT.—The Federal share of a grant under this section may not exceed 50 percent of the program funded under such grant.
- (2) IN-KIND CONTRIBUTIONS.—
- (A) IN GENERAL.—Subject to subparagraph (B), the recipient of a grant under this section may meet the matching requirement under paragraph (1) by making in-kind contributions of goods or services that are directly related to the purpose for which such grant was awarded.
- (B) MAXIMUM PERCENTAGE.—Not more than 50 percent of the amount provided by a recipient of a grant under this section to meet the matching requirement under paragraph (1) may be provided through in-kind contributions under subparagraph (A).
- (3) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.
- (f) ANNUAL REPORT.—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—
- (1) a summary of the activities carried out under the program assisted by the grant;
- (2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and
- (3) such other information as the Attorney General may require.
- (g) AUTHORIZATION OF APPROPRIATIONS.—
- (1) IN GENERAL.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2009 and 2010 to carry out this section.
- (2) LIMITATIONS; EQUITABLE DISTRIBUTION.—
- (A) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—
- (i) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and
- (ii) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.
- (B) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that grants awarded under this section are equitably distributed among the geographical regions and between urban and rural populations, including Indian Tribes, consistent with the objective of reducing recidivism among criminal offenders.

**PART GG—CRIME FREE RURAL STATE GRANTS****SEC. 2985. [34 U.S.C. 10641] GRANT AUTHORITY.**

The Attorney General shall award grants to rural State criminal justice agencies, Byrne agencies, or other agencies as designated by the Governor of that State and approved by the Attorney General, to develop rural States' capacity to assist local communities in the prevention and reduction of crime, violence, and substance abuse.

**SEC. 2986. [34 U.S.C. 10642] USE OF FUNDS.**

(a) **IN GENERAL.**—A capacity building grant shall be used to develop a statewide strategic plan as described in section 2987 to prevent and reduce crime, violence, and substance abuse.

(b) **PERMISSIVE USE.**—A rural State may also use its grant to provide training and technical assistance to communities and promote innovation in the development of policies, technologies, and programs to prevent and reduce crime.

(c) **DATA COLLECTION.**—A rural State may use up to 5 percent of the grant to assist grant recipients in collecting statewide data related to the costs of crime, violence, and substance abuse for purposes of supporting the statewide strategic plan.

**SEC. 2987. [34 U.S.C. 10643] STATEWIDE STRATEGIC PREVENTION PLAN.**

(a) **IN GENERAL.**—A statewide strategic prevention plan shall be used by the rural State to assist local communities, both directly and through existing State programs and services, in building comprehensive, strategic, and innovative approaches to reducing crime, violence, and substance abuse based on local conditions and needs.

(b) **GOALS.**—The plan must contain statewide long-term goals and measurable annual objectives for reducing crime, violence, and substance abuse.

(c) **ACCOUNTABILITY.**—The rural State shall be required to develop and report in its plan relevant performance targets and measures for the goals and objectives to track changes in crime, violence, and substance abuse.

(d) **CONSULTATION.**—The rural State shall form a State crime free communities commission that includes representatives of State and local government, and community leaders who will provide advice and recommendations on relevant community goals and objectives, and performance targets and measures.

**SEC. 2988. [34 U.S.C. 10644] REQUIREMENTS.**

(a) **TRAINING AND TECHNICAL ASSISTANCE.**—The rural State shall provide training and technical assistance, including through such groups as the National Crime Prevention Council, to assist local communities in developing Crime Prevention Plans that reflect statewide strategic goals and objectives, and performance targets and measures.

(b) **REPORTS.**—The rural State shall provide a report on its statewide strategic plan to the Attorney General, including information about—

- (1) involvement of relevant State-level agencies to assist communities in the development and implementation of their Crime Prevention Plans;

**155      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2991**

(2) support for local applications for Community Grants;  
and

(3) community progress toward reducing crime, violence,  
and substance abuse.

(c) **CERTIFICATION.**—Beginning in the third year of the program, States must certify that the local grantee's project funded under the community grant is generally consistent with statewide strategic goals and objectives, and performance targets and measures.

**SEC. 2989. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$10,000,000 to carry out this part for each of fiscal years 2003, 2004, and 2005.

### **PART HH—ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS**

**SEC. 2991. [34 U.S.C. 10651] ADULT AND JUVENILE COLLABORATION PROGRAMS.**

(a) **DEFINITIONS.**—In this section, the following definitions shall apply:

(1) **APPLICANT.**—The term “applicant” means States, units of local government, Indian tribes, and tribal organizations that apply for a grant under this section.

(2) **COLLABORATION PROGRAM.**—The term “collaboration program” means a program to promote public safety by ensuring access to adequate mental health and other treatment services for mentally ill adults or juveniles that is overseen cooperatively by—

(A) a criminal or juvenile justice agency or a mental health court; and

(B) a mental health agency.

(3) **CRIMINAL OR JUVENILE JUSTICE AGENCY.**—The term “criminal or juvenile justice agency” means an agency of a State or local government or its contracted agency that is responsible for detection, arrest, enforcement, prosecution, defense, adjudication, incarceration, probation, or parole relating to the violation of the criminal laws of that State or local government.

(4) **DIVERSION AND ALTERNATIVE PROSECUTION AND SENTENCING.**—

(A) **IN GENERAL.**—The terms “diversion” and “alternative prosecution and sentencing” mean the appropriate use of effective mental health treatment alternatives to juvenile justice or criminal justice system institutional placements for preliminarily qualified offenders.

(B) **APPROPRIATE USE.**—In this paragraph, the term “appropriate use” includes the discretion of the judge or supervising authority, the leveraging of graduated sanctions to encourage compliance with treatment, and law enforcement diversion, including crisis intervention teams.

(C) **GRADUATED SANCTIONS.**—In this paragraph, the term “graduated sanctions” means an accountability-based graduated series of sanctions (including incentives, treat-

ments, and services) applicable to mentally ill offenders within both the juvenile and adult justice system to hold individuals accountable for their actions and to protect communities by providing appropriate sanctions for inducing law-abiding behavior and preventing subsequent involvement in the criminal justice system.

(5) MENTAL HEALTH AGENCY.—The term “mental health agency” means an agency of a State or local government or its contracted agency that is responsible for mental health services or co-occurring mental health and substance abuse services.

(6) MENTAL HEALTH COURT.—The term “mental health court” means a judicial program that meets the requirements of part V of this title.

(7) MENTAL ILLNESS; MENTAL HEALTH DISORDER.—The terms “mental illness” and “mental health disorder” mean a diagnosable mental, behavioral, or emotional disorder—

(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(B)(i) that, in the case of an adult, has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; or

(ii) that, in the case of a juvenile, has resulted in functional impairment that substantially interferes with or limits the juvenile’s role or functioning in family, school, or community activities.

(8) NONVIOLENT OFFENSE.—The term “nonviolent offense” means an offense that does not have as an element the use, attempted use, or threatened use of physical force against the person or property of another or is not a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(9) PRELIMINARILY QUALIFIED OFFENDER.—

(A) IN GENERAL.—The term “preliminarily qualified offender” means an adult or juvenile accused of an offense who—

(i)(I) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness or co-occurring mental illness and substance abuse disorders;

(II) manifests obvious signs of mental illness or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; or

(III) in the case of a veterans treatment court provided under subsection (i), has been diagnosed with, or manifests obvious signs of, mental illness or a substance abuse disorder or co-occurring mental illness and substance abuse disorder;

**157      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2991**

(ii) has been unanimously approved for participation in a program funded under this section by, when appropriate—

(I) the relevant—

(aa) prosecuting attorney;

(bb) defense attorney;

(cc) probation or corrections official; and

(dd) judge; and

(II) a representative from the relevant mental health agency described in subsection (b)(5)(B)(i);

(iii) has been determined, by each person described in clause (ii) who is involved in approving the adult or juvenile for participation in a program funded under this section, to not pose a risk of violence to any person in the program, or the public, if selected to participate in the program; and

(iv) has not been charged with or convicted of—

(I) any sex offense (as defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)) or any offense relating to the sexual exploitation of children; or

(II) murder or assault with intent to commit murder.

(B) DETERMINATION.—In determining whether to designate a defendant as a preliminarily qualified offender, the relevant prosecuting attorney, defense attorney, probation or corrections official, judge, and mental health or substance abuse agency representative shall take into account—

(i) whether the participation of the defendant in the program would pose a substantial risk of violence to the community;

(ii) the criminal history of the defendant and the nature and severity of the offense for which the defendant is charged;

(iii) the views of any relevant victims to the offense;

(iv) the extent to which the defendant would benefit from participation in the program;

(v) the extent to which the community would realize cost savings because of the defendant's participation in the program; and

(vi) whether the defendant satisfies the eligibility criteria for program participation unanimously established by the relevant prosecuting attorney, defense attorney, probation or corrections official, judge and mental health or substance abuse agency representative.

(10) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(11) UNIT OF LOCAL GOVERNMENT.—The term “unit of local government” means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, including a State court, local court, or a governmental

agency located within a city, county, township, town, borough, parish, or village.

(b) PLANNING AND IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary, may award nonrenewable grants to eligible applicants to prepare a comprehensive plan for and implement an adult or juvenile collaboration program, which targets preliminarily qualified offenders in order to promote public safety and public health.

(2) PURPOSES.—Grants awarded under this section shall be used to create or expand—

(A) mental health courts or other court-based programs for preliminarily qualified offenders;

(B) programs that offer specialized training to the officers and employees of a criminal or juvenile justice agency and mental health personnel serving those with co-occurring mental illness and substance abuse problems in procedures for identifying the symptoms of preliminarily qualified offenders in order to respond appropriately to individuals with such illnesses;

(C) programs that support cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety by offering mental health treatment services and, where appropriate, substance abuse treatment services for—

(i) preliminarily qualified offenders with mental illness or co-occurring mental illness and substance abuse disorders; or

(ii) adult offenders with mental illness during periods of incarceration, while under the supervision of a criminal justice agency, or following release from correctional facilities; and

(D) programs that support intergovernmental cooperation between State and local governments with respect to the mentally ill offender.

(3) APPLICATIONS.—

(A) IN GENERAL.—To receive a planning grant or an implementation grant, the joint applicants shall prepare and submit a single application to the Attorney General at such time, in such manner, and containing such information as the Attorney General and the Secretary shall reasonably require. An application under part V of this title may be made in conjunction with an application under this section.

(B) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—The Attorney General and the Secretary shall develop a procedure under which applicants may apply at the same time and in a single application for a planning grant and an implementation grant, with receipt of the implementation grant conditioned on successful completion of the activities funded by the planning grant.

(4) PLANNING GRANTS.—

(A) APPLICATION.—The joint applicants may apply to the Attorney General for a nonrenewable planning grant to develop a collaboration program.

(B) CONTENTS.—The Attorney General and the Secretary may not approve a planning grant unless the application for the grant includes or provides, at a minimum, for a budget and a budget justification, a description of the outcome measures that will be used to measure the effectiveness of the program in promoting public safety and public health, the activities proposed (including the provision of substance abuse treatment services, where appropriate) and a schedule for completion of such activities, and the personnel necessary to complete such activities.

(C) PERIOD OF GRANT.—A planning grant shall be effective for a period of 1 year, beginning on the first day of the month in which the planning grant is made. Applicants may not receive more than 1 such planning grant.

(D) AMOUNT.—The amount of a planning grant may not exceed \$75,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

(E) COLLABORATION SET ASIDE.—Up to 5 percent of all planning funds shall be used to foster collaboration between State and local governments in furtherance of the purposes set forth in the Mentally Ill Offender Treatment and Crime Reduction Act of 2004.

(5) IMPLEMENTATION GRANTS.—

(A) APPLICATION.—Joint applicants that have prepared a planning grant application may apply to the Attorney General for approval of a nonrenewable implementation grant to develop a collaboration program.

(B) COLLABORATION.—To receive an implementation grant, the joint applicants shall—

(i) document that at least 1 criminal or juvenile justice agency (which can include a mental health court) and 1 mental health agency will participate in the administration of the collaboration program;

(ii) describe the responsibilities of each participating agency, including how each agency will use grant resources to provide supervision of offenders and jointly ensure that the provision of mental health treatment services and substance abuse services for individuals with co-occurring mental health and substance abuse disorders are coordinated, which may range from consultation or collaboration to integration in a single setting or treatment model;

(iii) in the case of an application from a unit of local government, document that a State mental health authority has provided comment and review; and

(iv) involve, to the extent practicable, in developing the grant application—

(I) preliminarily qualified offenders;

(II) the families and advocates of such individuals under subclause (I); and

(III) advocates for victims of crime.

(C) CONTENT.—To be eligible for an implementation grant, joint applicants shall comply with the following:

(i) DEFINITION OF TARGET POPULATION.—Applicants for an implementation grant shall—

(I) describe the population with mental illness or co-occurring mental illness and substance abuse disorders that is targeted for the collaboration program; and

(II) develop guidelines that can be used by personnel of an adult or juvenile justice agency to identify preliminarily qualified offenders.

(ii) SERVICES.—Applicants for an implementation grant shall—

(I) ensure that preliminarily qualified offenders who are to receive treatment services under the collaboration program will first receive individualized, validated, needs-based assessments to determine, plan, and coordinate the most appropriate services for such individuals;

(II) specify plans for making mental health, or mental health and substance abuse, treatment services available and accessible to preliminarily qualified offenders at the time of their release from the criminal justice system, including outside of normal business hours;

(III) ensure that there are substance abuse personnel available to respond appropriately to the treatment needs of preliminarily qualified offenders;

(IV) determine eligibility for Federal benefits;

(V) ensure that preliminarily qualified offenders served by the collaboration program will have adequate supervision and access to effective and appropriate community-based mental health services, including, in the case of individuals with co-occurring mental health and substance abuse disorders, coordinated services, which may range from consultation or collaboration to integration in a single setting treatment model;

(VI) make available, to the extent practicable, other support services that will ensure the preliminarily qualified offender's successful reintegration into the community (such as housing, education, job placement, mentoring, and health care and benefits, as well as the services of faith-based and community organizations for mentally ill individuals served by the collaboration program); and

(VII) include strategies, to the extent practicable, to address developmental and learning disabilities and problems arising from a documented history of physical or sexual abuse.

(D) HOUSING AND JOB PLACEMENT.—Recipients of an implementation grant may use grant funds to assist men-



tally ill offenders compliant with the program in seeking housing or employment assistance.

(E) POLICIES AND PROCEDURES.—Applicants for an implementation grant shall strive to ensure prompt access to defense counsel by criminal defendants with mental illness who are facing charges that would trigger a constitutional right to counsel.

(F) FINANCIAL.—Applicants for an implementation grant shall—

(i) explain the applicant's inability to fund the collaboration program adequately without Federal assistance;

(ii) specify how the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available, including billing third-party resources for services already covered under programs (such as Medicaid, Medicare, and the State Children's Insurance Program); and

(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of Federal support.

(G) OUTCOMES.—Applicants for an implementation grant shall—

(i) identify methodology and outcome measures, as required by the Attorney General and the Secretary, to be used in evaluating the effectiveness of the collaboration program;

(ii) ensure mechanisms are in place to capture data, consistent with the methodology and outcome measures under clause (i); and

(iii) submit specific agreements from affected agencies to provide the data needed by the Attorney General and the Secretary to accomplish the evaluation under clause (i).

(H) STATE PLANS.—Applicants for an implementation grant shall describe how the adult or juvenile collaboration program relates to existing State criminal or juvenile justice and mental health plans and programs.

(I) USE OF FUNDS.—Applicants that receive an implementation grant may use funds for 1 or more of the following purposes:

(i) MENTAL HEALTH COURTS AND DIVERSION/ALTERNATIVE PROSECUTION AND SENTENCING PROGRAMS.—Funds may be used to create or expand existing mental health courts that meet program requirements established by the Attorney General under part V of this title, other court-based programs, or diversion and alternative prosecution and sentencing programs (including crisis intervention teams and treatment accountability services for communities) that meet requirements established by the Attorney General and the Secretary.

(ii) TRAINING.—Funds may be used to create or expand programs, such as crisis intervention training, which offer specialized training to—

(I) criminal justice system personnel to identify and respond appropriately to the unique needs of preliminarily qualified offenders; or

(II) mental health system personnel to respond appropriately to the treatment needs of preliminarily qualified offenders.

(iii) SERVICE DELIVERY.—Funds may be used to create or expand programs that promote public safety by providing the services described in subparagraph (C)(ii) to preliminarily qualified offenders.

(iv) IN-JAIL AND TRANSITIONAL SERVICES.—Funds may be used to promote and provide mental health treatment and transitional services for those incarcerated or for transitional re-entry programs for those released from any penal or correctional institution.

(v) TEAMS ADDRESSING FREQUENT USERS OF CRISIS SERVICES.—Multidisciplinary teams that—

(I) coordinate, implement, and administer community-based crisis responses and long-term plans for frequent users of crisis services;

(II) provide training on how to respond appropriately to the unique issues involving frequent users of crisis services for public service personnel, including criminal justice, mental health, substance abuse, emergency room, healthcare, law enforcement, corrections, and housing personnel;

(III) develop or support alternatives to hospital and jail admissions for frequent users of crisis services that provide treatment, stabilization, and other appropriate supports in the least restrictive, yet appropriate, environment; and

(IV) develop protocols and systems among law enforcement, mental health, substance abuse, housing, corrections, and emergency medical service operations to provide coordinated assistance to frequent users of crisis services.

(J) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Attorney General, in consultation with the Secretary, shall ensure that planning and implementation grants are equitably distributed among the geographical regions of the United States and between urban and rural populations.

(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

(2) promote effective strategies for identification and treatment of female mentally ill offenders;

(3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders;

**163      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2991**

(4) propose interventions that have been shown by empirical evidence to reduce recidivism;

(5) when appropriate, use validated assessment tools to target preliminarily qualified offenders with a moderate or high risk of recidivism and a need for treatment and services; or

(6)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

(D) have the support of both the Attorney General and the Secretary.

(d) MATCHING REQUIREMENTS.—

(1) FEDERAL SHARE.—The Federal share of the cost of a collaboration program carried out by a State, unit of local government, Indian tribe, or tribal organization under this section shall not exceed—

(A) 80 percent of the total cost of the program during the first 2 years of the grant;

(B) 60 percent of the total cost of the program in year 3; and

(C) 25 percent of the total cost of the program in years 4 and 5.

(2) NON-FEDERAL SHARE.—The non-Federal share of payments made under this section may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(e) FEDERAL USE OF FUNDS.—The Attorney General, in consultation with the Secretary, in administering grants under this section, may use up to 3 percent of funds appropriated to—

(1) research the use of alternatives to prosecution through pretrial diversion in appropriate cases involving individuals with mental illness;

(2) offer specialized training to personnel of criminal and juvenile justice agencies in appropriate diversion techniques;

(3) provide technical assistance to local governments, mental health courts, and diversion programs, including technical assistance relating to program evaluation;

(4) help localities build public understanding and support for community reintegration of individuals with mental illness;

(5) develop a uniform program evaluation process; and

(6) conduct a national evaluation of the collaboration program that will include an assessment of its cost-effectiveness.

(f) INTERAGENCY TASK FORCE.—

(1) IN GENERAL.—The Attorney General and the Secretary shall establish an interagency task force with the Secretaries of Housing and Urban Development, Labor, Education, and Veterans Affairs and the Commissioner of Social Security, or their designees.

(2) RESPONSIBILITIES.—The task force established under paragraph (1) shall—

(A) identify policies within their departments that hinder or facilitate local collaborative initiatives for preliminarily qualified offenders; and

(B) submit, not later than 2 years after the date of enactment of this section, a report to Congress containing recommendations for improved interdepartmental collaboration regarding the provision of services to preliminarily qualified offenders.

(g) MINIMUM ALLOCATION.—Unless all eligible applications submitted by any State or unit of local government within such State for a planning or implementation grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for planning or implementation grants pursuant to this section.

(h) LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.—

(1) AUTHORIZATION.—The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

(A) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(B) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

(C) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

(D) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

(E) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

(F) ACADEMY TRAINING.—To provide support for academy curricula, law enforcement officer orientation programs, continuing education training, and other programs that teach law enforcement personnel how to identify and

respond to incidents involving persons with mental health disorders or co-occurring mental health and substance abuse disorders.

(2) BJA TRAINING MODELS.—For purposes of paragraph (1)(A), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

(3) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this subsection may not exceed 50 percent of the costs of the program. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.

(4) PRIORITY CONSIDERATION.—The Attorney General, in awarding grants under this subsection, shall give priority to programs that law enforcement personnel and members of the mental health and substance abuse professions develop and administer cooperatively.

(i) ASSISTING VETERANS.—

(1) DEFINITIONS.—In this subsection:

(A) PEER-TO-PEER SERVICES OR PROGRAMS.—The term “peer-to-peer services or programs” means services or programs that connect qualified veterans with other veterans for the purpose of providing support and mentorship to assist qualified veterans in obtaining treatment, recovery, stabilization, or rehabilitation.

(B) QUALIFIED VETERAN.—The term “qualified veteran” means a preliminarily qualified offender who—

(i) served on active duty in any branch of the Armed Forces, including the National Guard or Reserves; and

(ii) was discharged or released from such service under conditions other than dishonorable, unless the reason for the dishonorable discharge was attributable to a substance abuse disorder.

(C) VETERANS TREATMENT COURT PROGRAM.—The term “veterans treatment court program” means a court program involving collaboration among criminal justice, veterans, and mental health and substance abuse agencies that provides qualified veterans with—

(i) intensive judicial supervision and case management, which may include random and frequent drug testing where appropriate;

(ii) a full continuum of treatment services, including mental health services, substance abuse services, medical services, and services to address trauma;

(iii) alternatives to incarceration; or

(iv) other appropriate services, including housing, transportation, mentoring, employment, job training, education, or assistance in applying for and obtaining available benefits.

(2) VETERANS ASSISTANCE PROGRAM.—

(A) IN GENERAL.—The Attorney General, in consultation with the Secretary of Veterans Affairs, may award grants under this subsection to applicants to establish or expand—

- (i) veterans treatment court programs;
- (ii) peer-to-peer services or programs for qualified veterans;
- (iii) practices that identify and provide treatment, rehabilitation, legal, transitional, and other appropriate services to qualified veterans who have been incarcerated; or
- (iv) training programs to teach criminal justice, law enforcement, corrections, mental health, and substance abuse personnel how to identify and appropriately respond to incidents involving qualified veterans.

(B) PRIORITY.—In awarding grants under this subsection, the Attorney General shall give priority to applications that—

- (i) demonstrate collaboration between and joint investments by criminal justice, mental health, substance abuse, and veterans service agencies;
- (ii) promote effective strategies to identify and reduce the risk of harm to qualified veterans and public safety; and
- (iii) propose interventions with empirical support to improve outcomes for qualified veterans.

(j) FORENSIC ASSERTIVE COMMUNITY TREATMENT (FACT) INITIATIVE PROGRAM.—

(1) IN GENERAL.—The Attorney General may make grants to States, units of local government, territories, Indian Tribes, nonprofit agencies, or any combination thereof, to develop, implement, or expand Assertive Community Treatment initiatives to develop forensic assertive community treatment (referred to in this subsection as “FACT”) programs that provide high intensity services in the community for individuals with mental illness with involvement in the criminal justice system to prevent future incarcerations.

(2) ALLOWABLE USES.—Grant funds awarded under this subsection may be used for—

(A) multidisciplinary team initiatives for individuals with mental illnesses with criminal justice involvement that address criminal justice involvement as part of treatment protocols;

(B) FACT programs that involve mental health professionals, criminal justice agencies, chemical dependency specialists, nurses, psychiatrists, vocational specialists, forensic peer specialists, forensic specialists, and dedicated administrative support staff who work together to provide recovery oriented, 24/7 wraparound services;

(C) services such as integrated evidence-based practices for the treatment of co-occurring mental health and substance-related disorders, assertive outreach and engagement, community-based service provision at partici-

pants' residence or in the community, psychiatric rehabilitation, recovery oriented services, services to address criminogenic risk factors, and community tenure;

(D) payments for treatment providers that are approved by the State or Indian Tribe and licensed, if necessary, to provide needed treatment to eligible offenders participating in the program, including behavioral health services and aftercare supervision; and

(E) training for all FACT teams to promote high-fidelity practice principles and technical assistance to support effective and continuing integration with criminal justice agency partners.

(3) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this subsection shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this subsection.

(4) APPLICATIONS.—To request a grant under this subsection, a State, unit of local government, territory, Indian Tribe, or nonprofit agency shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(k) SEQUENTIAL INTERCEPT GRANTS.—

(1) DEFINITION.—In this subsection, the term “eligible entity” means a State, unit of local government, Indian tribe, or tribal organization.

(2) AUTHORIZATION.—The Attorney General may make grants under this subsection to an eligible entity for sequential intercept mapping and implementation in accordance with paragraph (3).

(3) SEQUENTIAL INTERCEPT MAPPING; IMPLEMENTATION.—An eligible entity that receives a grant under this subsection may use funds for—

(A) sequential intercept mapping, which—

(i) shall consist of—

(I) convening mental health and criminal justice stakeholders to—

(aa) develop a shared understanding of the flow of justice-involved individuals with mental illnesses through the criminal justice system; and

(bb) identify opportunities for improved collaborative responses to the risks and needs of individuals described in item (aa); and

(II) developing strategies to address gaps in services and bring innovative and effective programs to scale along multiple intercepts, including—

(aa) emergency and crisis services;

(bb) specialized police-based responses;

(cc) court hearings and disposition alternatives;

(dd) reentry from jails and prisons; and

(ee) community supervision, treatment and support services; and

(ii) may serve as a starting point for the development of strategic plans to achieve positive public health and safety outcomes; and

(B) implementation, which shall—

(i) be derived from the strategic plans described in subparagraph (A)(ii); and

(ii) consist of—

(I) hiring and training personnel;

(II) identifying the eligible entity's target population;

(III) providing services and supports to reduce unnecessary penetration into the criminal justice system;

(IV) reducing recidivism;

(V) evaluating the impact of the eligible entity's approach; and

(VI) planning for the sustainability of effective interventions.

(I) CORRECTIONAL FACILITIES.—

(1) DEFINITIONS.—

(A) CORRECTIONAL FACILITY.—The term “correctional facility” means a jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court.

(B) ELIGIBLE INMATE.—The term “eligible inmate” means an individual who—

(i) is being held, detained, or incarcerated in a correctional facility; and

(ii) manifests obvious signs of a mental illness or has been diagnosed by a qualified mental health professional as having a mental illness.

(2) CORRECTIONAL FACILITY GRANTS.—The Attorney General may award grants to applicants to enhance the capabilities of a correctional facility—

(A) to identify and screen for eligible inmates;

(B) to plan and provide—

(i) initial and periodic assessments of the clinical, medical, and social needs of inmates; and

(ii) appropriate treatment and services that address the mental health and substance abuse needs of inmates;

(C) to develop, implement, and enhance—

(i) post-release transition plans for eligible inmates that, in a comprehensive manner, coordinate health, housing, medical, employment, and other appropriate services and public benefits;

(ii) the availability of mental health care services and substance abuse treatment services; and

(iii) alternatives to solitary confinement and segregated housing and mental health screening and treatment for inmates placed in solitary confinement or segregated housing; and

(D) to train each employee of the correctional facility to identify and appropriately respond to incidents involv-



ing inmates with mental health or co-occurring mental health and substance abuse disorders.

(m) ACCOUNTABILITY.—All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) DEFINITION.—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION.—A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

(E) REIMBURSEMENT.—If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General may not award a grant under this part to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

(A) indicating whether—

(i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

(iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(n) PREVENTING DUPLICATIVE GRANTS.—

**171      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 2992**

(1) **IN GENERAL.**—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

(2) **REPORT.**—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

- (A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and
- (B) the reason the Attorney General awarded the duplicate grants.

(o) **AUTHORIZATION OF APPROPRIATIONS.**—(1) **IN GENERAL.**—There are authorized to be appropriated to the Department of Justice to carry out this section—

- (A) \$50,000,000 for fiscal year 2005;
- (B) such sums as may be necessary for each of the fiscal years 2006 and 2007; and
- (C) \$50,000,000 for each of the fiscal years 2017 through 2021.

(2) **ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.**—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.

(3) **LIMITATION.**—Not more than 20 percent of the funds authorized to be appropriated under this section may be used for purposes described in subsection (i) (relating to veterans).

**SEC. 2992. [34 U.S.C. 10652] NATIONAL CRIMINAL JUSTICE AND MENTAL HEALTH TRAINING AND TECHNICAL ASSISTANCE.**

(a) **AUTHORITY.**—The Attorney General may make grants to eligible organizations to provide for the establishment of a National Criminal Justice and Mental Health Training and Technical Assistance Center.

(b) **ELIGIBLE ORGANIZATION.**—For purposes of subsection (a), the term “eligible organization” means a national nonprofit organization that provides technical assistance and training to, and has special expertise and broad, national-level experience in, mental health, crisis intervention, criminal justice systems, law enforcement, translating evidence into practice, training, and research, and education and support of people with mental illness and the families of such individuals.

(c) **USE OF FUNDS.**—Any organization that receives a grant under subsection (a) shall collaborate with other grant recipients to establish and operate a National Criminal Justice and Mental Health Training and Technical Assistance Center to—

- (1) provide law enforcement officer training regarding mental health and working with individuals with mental illnesses, with an emphasis on de-escalation of encounters between law enforcement officers and those with mental disorders or in crisis, which shall include support the develop-

ment of in-person and technical information exchanges between systems and the individuals working in those systems in support of the concepts identified in the training;

(2) provide education, training, and technical assistance for States, Indian tribes, territories, units of local government, service providers, nonprofit organizations, probation or parole officers, prosecutors, defense attorneys, emergency response providers, and corrections institutions to advance practice and knowledge relating to mental health crisis and approaches to mental health and criminal justice across systems;

(3) provide training and best practices to mental health providers and criminal justice agencies relating to diversion initiatives, jail and prison strategies, reentry of individuals with mental illnesses into the community, and dispatch protocols and triage capabilities, including the establishment of learning sites;

(4) develop suicide prevention and crisis intervention training and technical assistance for criminal justice agencies;

(5) develop a receiving center system and pilot strategy that provides, for a jurisdiction, a single point of entry into the mental health and substance abuse system for assessments and appropriate placement of individuals experiencing a crisis;

(6) collect data and best practices in mental health and criminal health and criminal justice initiatives and policies from grantees under this part, other recipients of grants under this section, Federal, State, and local agencies involved in the provision of mental health services, and nongovernmental organizations involved in the provision of mental health services;

(7) develop and disseminate to mental health providers and criminal justice agencies evaluation tools, mechanisms, and measures to better assess and document performance measures and outcomes relating to the provision of mental health services;

(8) disseminate information to States, units of local government, criminal justice agencies, law enforcement agencies, and other relevant entities about best practices, policy standards, and research findings relating to the provision of mental health services; and

(9) provide education and support to individuals with mental illness involved with, or at risk of involvement with, the criminal justice system, including the families of such individuals.

(d) ACCOUNTABILITY.—Grants awarded under this section shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) DEFINITION.—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice under subparagraph (C) that the audited grantee has used grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 1 year after the date on which the final audit report is issued.

(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of grantees under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) FINAL AUDIT REPORT.—The Inspector General of the Department of Justice shall submit to the Attorney General a final report on each audit conducted under subparagraph (B).

(D) MANDATORY EXCLUSION.—Grantees under this section about which there is an unresolved audit finding shall not be eligible to receive a grant under this section during the 2 fiscal years beginning after the end of the 1-year period described in subparagraph (A).

(E) PRIORITY.—In making grants under this section, the Attorney General shall give priority to applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

(F) REIMBURSEMENT.—If an entity receives a grant under this section during the 2-fiscal-year period during which the entity is prohibited from receiving grants under subparagraph (D), the Attorney General shall—

(i) deposit an amount equal to the amount of the grant that was improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment under clause (i) from the grantee that was erroneously awarded grant funds.

(2) NONPROFIT AGENCY REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and the grant program under this section, the term “nonprofit agency” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 (26 U.S.C. 501(a)).

(B) PROHIBITION.—The Attorney General may not award a grant under this section to a nonprofit agency that holds money in an offshore account for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986 (26 U.S.C. 511(a)).

(C) DISCLOSURE.—Each nonprofit agency that is awarded a grant under this section and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and

decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this subsection, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives an annual certification—

(A) indicating whether—

(i) all final audit reports issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(ii) all mandatory exclusions required under paragraph (1)(D) have been issued; and

(iii) any reimbursements required under paragraph (1)(F) have been made; and

(B) that includes a list of any grantees excluded under paragraph (1)(D) from the previous year.

(5) PREVENTING DUPLICATIVE GRANTS.—

(A) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

(B) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

- (i) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and
- (ii) the reason the Attorney General awarded the duplicate grants.

## **PART II—CONFRONTING USE OF METHAMPHETAMINE**

### **SEC. 2996. [34 U.S.C. 10661] AUTHORITY TO MAKE GRANTS TO ADDRESS PUBLIC SAFETY AND METHAMPHETAMINE MANUFACTURING, SALE, AND USE IN HOT SPOTS.**

#### **(a) PURPOSE AND PROGRAM AUTHORITY.—**

(1) **PURPOSE.**—It is the purpose of this part to assist States, territories, and Indian tribes (as defined in section 2704)—

(A) to carry out programs to address the manufacture, sale, and use of methamphetamine drugs; and

(B) to improve the ability of State, territorial, Tribal, and local government institutions of to carry out such programs.

(2) **GRANT AUTHORIZATION.**—The Attorney General, through the Bureau of Justice Assistance in the Office of Justice Programs may make grants to States, territories, and Indian tribes to address the manufacture, sale, and use of methamphetamine to enhance public safety.

(3) **GRANT PROJECTS TO ADDRESS METHAMPHETAMINE MANUFACTURE SALE AND USE.**—Grants made under subsection (a) may be used for programs, projects, and other activities to—

(A) investigate, arrest and prosecute individuals violating laws related to the use, manufacture, or sale of methamphetamine;

(B) reimburse the Drug Enforcement Administration for expenses related to the clean up of methamphetamine clandestine labs;

(C) support State, Tribal, and local health department and environmental agency services deployed to address methamphetamine; and

(D) procure equipment, technology, or support systems, or pay for resources, if the applicant for such a grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in the reduction in the use, sale, and manufacture of methamphetamine.

### **SEC. 2997. [34 U.S.C. 10662] FUNDING.**

There are authorized to be appropriated to carry out this part \$99,000,000 for each fiscal year 2006, 2007, 2008, 2009, and 2010.

**PART JJ—LOAN REPAYMENT FOR  
PROSECUTORS AND PUBLIC DEFENDERS**<sup>38</sup>

**SEC. 3001. [34 U.S.C. 10671] GRANT AUTHORIZATION.**

(a) **PURPOSE.**—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

(b) **DEFINITIONS.**—In this section:

(1) **PROSECUTOR.**—The term “prosecutor” means a full-time employee of a State or unit of local government who—

(A) is continually licensed to practice law; and

(B) prosecutes criminal or juvenile delinquency cases at the State or unit of local government level (including supervision, education, or training of other persons prosecuting such cases).

(2) **PUBLIC DEFENDER.**—The term “public defender” means an attorney who—

(A) is continually licensed to practice law; and

(B) is—

(i) a full-time employee of a State or unit of local government who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of the employee’s full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation); or

(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

(3) **STUDENT LOAN.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “student loan” means—

(i) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

(ii) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

(iii) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)).

<sup>38</sup>So in law. There are two part JJ(s) and sections 3001(s) in this law. The one relating to Loan Repayment for Prosecutors and Public Defenders was added after part II by section 952 of Public Law 110–315.



**177      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 3001**

(B) EXCLUSION OF PARENT PLUS LOANS.—The term “student loan” does not include any of the following loans:

(i) A loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078–2).

(ii) A Federal Direct PLUS Loan made to the parents of a dependent student.

(iii) A loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a loan described in clause (i) or (ii).

(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

(1) is employed as a prosecutor or public defender; and

(2) is not in default on a loan for which the borrower seeks forgiveness.

(d) TERMS OF AGREEMENT.—

(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than three years, unless involuntarily separated from that employment;

(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee’s estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

(2) REPAYMENTS.—

(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account

and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

(3) LIMITATIONS.—

(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

(i) \$10,000 for any borrower in any calendar year;

or

(ii) an aggregate total of \$60,000 in the case of any borrower.

(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

(e) ADDITIONAL AGREEMENTS.—

(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than three years.

(f) AWARD BASIS; PRIORITY.—

(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

(B) subject to the availability of appropriations.

(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

(A) received repayment benefits under this section during the preceding fiscal year; and

(B) has completed less than three years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

(h) REPORT BY INSPECTOR GENERAL.—Not later than three years after the date of the enactment of this section, the Inspector General of the Department of Justice shall submit to Congress a report on—

(1) the cost of the program authorized under this section; and

(2) the impact of such program on the hiring and retention of prosecutors and public defenders.

(i) GAO STUDY.—Not later than one year after the date of the enactment of this section, the Comptroller General shall conduct a study of, and report to Congress on, the impact that law school accreditation requirements and other factors have on the costs of law school and student access to law school, including the impact of such requirements on racial and ethnic minorities.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

## **PART JJ—GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES<sup>39</sup>**

### **SEC. 3001. [34 U.S.C. 10681] GRANT PROGRAM TO EVALUATE AND IMPROVE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.**

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General may carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian Tribes, and other public and private entities to—

(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities;

(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1); and

(3) improve the academic and vocational education programs (including technology career training) available to offenders in prisons, jails, and juvenile facilities.

(b) APPLICATION.—To be eligible for a grant under this part, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

(c) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this part, each entity described in subsection (a) receiving such a grant shall submit to the Attorney General a detailed report of the progress made by the entity using such grant, to permit the Attorney General to evaluate and improve academic and vocational education methods carried out with grants under this part.

### **SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$5,000,000 to carry out this part for each of fiscal years 2009 and 2010.

<sup>39</sup>There is another part JJ and a section 3001 so in law.

**PART KK—SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS<sup>40</sup>****SEC. 3011. [34 U.S.C. 10691] SEX OFFENDER APPREHENSION GRANTS.**

(a) **AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.**—

(1) **IN GENERAL.**—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in paragraph (2).

(2) **COVERED ACTIVITIES.**—An activity referred to in paragraph (1) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this part.

**SEC. 3012. [34 U.S.C. 10692] JUVENILE SEX OFFENDER TREATMENT GRANTS.**

(a) **AUTHORITY TO MAKE JUVENILE SEX OFFENDER TREATMENT GRANTS.**—

(1) **IN GENERAL.**—From amounts made available to carry out this part, the Attorney General may make grants to units of local government, Indian tribal governments, correctional facilities, other public and private entities, and multijurisdictional or regional consortia thereof for activities specified in paragraph (2).

(2) **COVERED ACTIVITIES.**—An activity referred to in paragraph (1) is any program, project, or other activity to assist in the treatment of juvenile sex offenders.

(b) **JUVENILE SEX OFFENDER DEFINED.**—For purposes of this section, the term “juvenile sex offender” is a sex offender who had not attained the age of 18 years at the time of his or her offense.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2007 through 2009 to carry out this part.

**PART LL—COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM****SEC. 3021. [34 U.S.C. 10701] DESCRIPTION.**

(a) **GRANTS AUTHORIZED.**—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes, for use by the State, unit of local government, or Indian tribe to provide services primarily relating to opioid abuse, including for any one or more of the following:

<sup>40</sup>Section 114(1) of Public Law 110–199 (122 Stat. 677) provides for an amendment to title I by redesignating part X as part KK. The amendment, which was executed to reflect the probable intent of Congress, probably should have been made by redesignating the second part X as part KK.

(1) Developing, implementing, or expanding a treatment alternative to incarceration program, which may include—

(A) prebooking or postbooking components, which may include the activities described in part DD or HH of this title;

(B) training for criminal justice agency personnel on substance use disorders and co-occurring mental illness and substance use disorders;

(C) a mental health court, including the activities described in part V of this title;

(D) a drug court, including the activities described in part EE of this title;

(E) a veterans treatment court program, including the activities described in subsection (i) of section 2991 of this title;

(F) a focus on parents whose incarceration could result in their children entering the child welfare system; and

(G) a community-based substance use diversion program sponsored by a law enforcement agency.

(2) In the case of a State, facilitating or enhancing planning and collaboration between State criminal justice agencies and State substance abuse agencies in order to more efficiently and effectively carry out activities or services described in any paragraph of this subsection that address problems related to opioid abuse.

(3) Providing training and resources for first responders on carrying and administering an opioid overdose reversal drug or device approved or cleared by the Food and Drug Administration, and purchasing such a drug or device for first responders who have received such training to so carry and administer.

(4) Locating or investigating illicit activities related to the unlawful distribution of opioids.

(5) Developing, implementing, or expanding a medication-assisted treatment program used or operated by a criminal justice agency, which may include training criminal justice agency personnel on medication-assisted treatment, and carrying out the activities described in part S of this title.

(6) In the case of a State, developing, implementing, or expanding a prescription drug monitoring program to collect and analyze data related to the prescribing of schedules II, III, and IV controlled substances through a centralized database administered by an authorized State agency, which includes tracking the dispensation of such substances, and providing for interoperability and data sharing with each other such program in each other State, and with any interstate entity that shares information between such programs.

(7) Developing, implementing, or expanding a program to prevent and address opioid abuse by juveniles.

(8) Developing, implementing, or expanding a program (which may include demonstration projects) to utilize technology that provides a secure container for prescription drugs that would prevent or deter individuals, particularly adolescents, from gaining access to opioid medications that are lawfully prescribed for other individuals.

(9) Developing, implementing, or expanding a prescription drug take-back program.

(10) Developing, implementing, or expanding an integrated and comprehensive opioid abuse response program.

(b) **CONTRACTS AND SUBAWARDS.**—A State, unit of local government, or Indian tribe may, in using a grant under this part for purposes authorized by subsection (a), use all or a portion of that grant to contract with, or make one or more subawards to, one or more—

(1) local or regional organizations that are private and nonprofit, including faith-based organizations;

(2) units of local government; or

(3) tribal organizations.

(c) **PROGRAM ASSESSMENT COMPONENT; WAIVER.**—

(1) **PROGRAM ASSESSMENT COMPONENT.**—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) **WAIVER.**—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) **ADMINISTRATIVE COSTS.**—Not more than 10 percent of a grant made under this part may be used for costs incurred to administer such grant.

(e) **PERIOD.**—The period of a grant made under this part may not be longer than 4 years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

**SEC. 3022. [34 U.S.C. 10702] APPLICATIONS.**

To request a grant under this part, the chief executive officer of a State, unit of local government, or Indian tribe shall submit an application to the Attorney General at such time and 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, local, or tribal funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for the activities described in section 3021(a).

(2) 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.

(3) 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 activities or services to be funded by the grant meet all the requirements of this part;

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

**183      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 3025**

(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.

(4) An assurance that the applicant will work with the Drug Enforcement Administration to develop an integrated and comprehensive strategy to address opioid abuse.

**SEC. 3023. [34 U.S.C. 10703] 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 an opportunity for correction of any such deficiencies and reconsideration.

**SEC. 3024. [34 U.S.C. 10704] EQUITABLE DISTRIBUTION OF FUNDS.**

In awarding grants under this part, the Attorney General shall distribute funds in a manner that—

(1) equitably addresses the needs of underserved populations, including rural and tribal communities; and

(2) focuses on communities that have been disproportionately impacted by opioid abuse as evidenced in part by—

(A) high rates of primary treatment admissions for heroin and other opioids;

(B) high rates of drug poisoning deaths from heroin and other opioids; and

(C) a lack of accessibility to treatment providers and facilities and to emergency medical services.

**SEC. 3025. [34 U.S.C. 10705] DEFINITIONS.**

In this part:

(1) The term “first responder” includes a firefighter, law enforcement officer, paramedic, emergency medical technician, or other individual (including an employee of a legally organized and recognized volunteer organization, whether compensated or not), who, in the course of his or her professional duties, responds to fire, medical, hazardous material, or other similar emergencies.

(2) The term “medication-assisted treatment” means the use of medications approved by the Food and Drug Administration for the treatment of opioid abuse.

(3) The term “opioid” means any drug, including heroin, having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability.

(4) The term “schedule II, III, or IV controlled substance” means a controlled substance that is listed on schedule II, schedule III, or schedule IV of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(5) The terms “drug” and “device” have the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) The term “criminal justice agency” means a State, local, or tribal—

- (A) court;
- (B) prison;

(C) jail;

(D) law enforcement agency; or

(E) other agency that performs the administration of criminal justice, including prosecution, pretrial services, and community supervision.

(7) The term “tribal organization” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) The term “State substance abuse agency” has the meaning given that term in section 508(r)(6) of the Public Health Service Act (42 U.S.C. 290bb-1).

**SEC. 3026. [34 U.S.C. 10706] GRANT ACCOUNTABILITY.**

(a) **DEFINITION OF APPLICABLE COMMITTEES.**—In this section, the term “applicable committees” means—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee on the Judiciary of the House of Representatives.

(b) **ACCOUNTABILITY.**—All grants awarded by the Attorney General under this part shall be subject to the following accountability provisions:

(1) **AUDIT REQUIREMENT.**—

(A) **DEFINITION.**—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months after the date on which the final audit report is issued.

(B) **AUDIT.**—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants awarded by the Attorney General under this part to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) **MANDATORY EXCLUSION.**—A recipient of grant funds under this part that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this part during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) **PRIORITY.**—In awarding grants under this part, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this part.

(E) **REIMBURSEMENT.**—If an entity is awarded grant funds under this part during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—



(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and the grant programs under this part, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—A nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986 may not—

(i) be party to a contract entered into under section 3021(b); or

(ii) receive a subaward under section 3021(b).

(C) DISCLOSURE.—Each nonprofit organization that receives a subaward or is party to a contract entered into under section 3021(b) and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose, in the application for such contract or subaward, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts made available to the Attorney General under this part may be used by the Attorney General, or by any State, unit of local government, or entity awarded a grant, subaward, or contract under this part, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Attorney General, unless the head of the relevant agency, bureau, or program office provides prior written authorization that the funds may be expended to host or support the conference.

(B) WRITTEN AUTHORIZATION.—Written authorization under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—The Deputy Attorney General shall submit to the applicable committees an annual report on all conference expenditures approved by the Attorney General under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this section, the Attorney General shall submit to the applicable committees an annual certification—

(A) indicating whether—

(i) all audits issued by the Inspector General of the Department of Justice under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

(iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(c) PREVENTING DUPLICATIVE GRANTS.—

(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this part, the Attorney General shall compare potential grant awards with other grants awarded under this part by the Attorney General to determine if duplicate grant awards are awarded for the same purpose.

(2) REPORT.—If the Attorney General awards duplicate grants under this part to the same applicant for the same purpose, the Attorney General shall submit to the applicable committees a report that includes—

(A) a list of all duplicate grants awarded under this part, including the total dollar amount of any duplicate grants awarded; and

(B) the reason the Attorney General awarded the duplicate grants.

## **PART MM—PREVENTION, INVESTIGATION, AND PROSECUTION OF WHITE COLLAR CRIME**

### **SEC. 3030. [34 U.S.C. 10101 note] SHORT TITLE.**

This part may be cited as the “National White Collar Crime Control Act of 2017”.

### **SEC. 3031. [34 U.S.C. 10721] ESTABLISHMENT OF GRANT PROGRAM.**

(a) AUTHORIZATION.—The Director of the Bureau of Justice Assistance is authorized to enter into a cooperative agreement with or make a grant to an eligible entity for the purpose of improving the identification, investigation, and prosecution of white collar crime (including each category of such crimes set forth in paragraphs (1) through (3) of subsection (b)) by providing comprehensive, direct, and practical training and technical assistance to law enforcement officers, investigators, auditors and prosecutors in States and units of local government.

(b) WHITE COLLAR CRIME DEFINED.—For purposes of this part, the term “white collar crime” includes—

(1) high-tech crime, including cyber and electronic crime and related threats;

(2) economic crime, including financial fraud and mortgage fraud; and

**187      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968    Sec. 3033**

(3) Internet-based crime against children and child pornography.

**SEC. 3032. [34 U.S.C. 10722] PURPOSES.**

The purposes of this part include the following:

(1) To ensure that training is available for State, local, tribal and territorial law enforcement agencies and officers nationwide to support local efforts to identify, prevent, investigate, and prosecute cyber and financial crimes, including those crimes facilitated via computer networks and other electronic means, and crimes involving financial and economic impacts such as intellectual property crimes.

(2) To deliver training to State, local, tribal, and territorial law enforcement officers, and other criminal justice professionals concerning the use of proven methodologies to prevent, detect, and respond to such crimes, recognize emerging issues, manage electronic and financial crime evidence and to improve local criminal justice agency responses to such threats.

(3) To provide operational and technical assistance and training concerning tools, products, resources, guidelines, and procedures to aid and enhance criminal intelligence analysis, conduct cyber crime and financial crime investigations, and related justice information sharing at the local and State levels.

(4) To provide appropriate training on protections for privacy, civil rights, and civil liberties in the conduct of criminal intelligence analysis and cyber and electronic crime and financial crime investigations, including in the development of policies, guidelines, and procedures by State, local, tribal, and territorial law enforcement agencies to protect and enhance privacy, civil rights, and civil liberties protections and identify weaknesses and gaps in the protection of privacy, civil rights, and civil liberties.

**SEC. 3033. [34 U.S.C. 10723] AUTHORIZED PROGRAMS.**

A grant or cooperative agreement awarded under this part may be made only for the following programs, with respect to the prevention, investigation, and prosecution of certain criminal activities:

(1) Programs to provide a nationwide support system for State and local criminal justice agencies.

(2) Programs to assist State and local criminal justice agencies to develop, establish, and maintain intelligence-focused policing strategies and related information sharing.

(3) Programs to provide training and investigative support services to State and local criminal justice agencies to provide such agencies with skills and resources needed to investigate and prosecute such criminal activities and related criminal activities.

(4) Programs to provide research support, to establish partnerships, and to provide other resources to aid State and local criminal justice agencies to prevent, investigate, and prosecute such criminal activities and related problems.

(5) Programs to provide information and research to the general public to facilitate the prevention of such criminal activities.

**Sec. 3034 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 188**

(6) Programs to establish or support national training and research centers regionally to provide training and research services for State and local criminal justice agencies.

(7) Programs to provide training and oversight to State and local criminal justice agencies to develop and comply with applicable privacy, civil rights, and civil liberties related policies, procedures, rules, laws, and guidelines.

(8) Any other programs specified by the Attorney General as furthering the purposes of this part.

**SEC. 3034. [34 U.S.C. 10724] APPLICATION.**

To be eligible for an award of a grant or cooperative agreement under this part, an entity shall submit to the Director of the Bureau of Justice Assistance an application in such form and manner, and containing such information, as required by the Director of the Bureau of Justice Assistance.

**SEC. 3035. [34 U.S.C. 10725] ELIGIBILITY.**

States, units of local government, not-for-profit entities, and institutions of higher-education with demonstrated capacity and experience in delivering training, technical assistance and other resources including direct, practical laboratory training to law enforcement officers, investigators, auditors and prosecutors in States and units of local government and over the Internet shall be eligible to receive an award under this part.

**SEC. 3036. [34 U.S.C. 10726] RULES AND REGULATIONS.**

The Director of the Bureau of Justice Assistance shall promulgate such rules and regulations as are necessary to carry out this part, including rules and regulations for submitting and reviewing applications under section 3035.

**TITLE II—ADMISSIBILITY OF CONFESSIONS,  
REVIEWABILITY OF ADMISSION IN EVIDENCE OF CONFESSIONS IN STATE CASES, ADMISSIBILITY IN EVIDENCE OF EYE WITNESS TESTIMONY, AND PROCEDURES IN OBTAINING WRITS OF HABEAS CORPUS**

【Section 701 provides for an amendment to chapter 223 of title 18, U.S.C.】

**TITLE III—WIRETAPPING AND ELECTRONIC SURVEILLANCE**

【Section 801 provides for freestanding findings (see original law; 18 U.S.C. 2510 note; 82 Stat. 211). Section 802 provides for an amendment to part I of title 18, U.S.C. Section 803 provides for an amendment to section 605 of the Communications Act of 1934.】

SEC. 804. 【18 U.S.C. 2510 note】 (a) There is hereby established a National Commission for the Review of Federal and State Laws relating to Wiretapping and Electronic Surveillance (hereinafter in this section referred to as the “Commission”).

(b) The Commission shall be composed to fifteen members appointed as follows:

(A)<sup>41</sup> Four appointed by the President of the Senate from Members of the Senate;

(B)<sup>41</sup> Four appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(C)<sup>41</sup> Seven appointed by the President of the United States from all segments of life in the United States, including lawyers, teachers, artists, businessmen, newspapermen, jurists, policemen, and community leaders, none of whom shall be officers of the executive branch of the Government.

(c) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(d) It shall be the duty of the Commission to conduct a comprehensive study and review of the operation of the provisions of this title, in effect on the effective date of this section, to determine the effectiveness of such provisions during the six-year period immediately following the date of their enactment.

(e)(1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(A) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for individuals.

(2) In making appointments pursuant to paragraph (1) of this subsection, the Chairman shall include among his appointment individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

(f)(1) A member of the Commission who is a Member of Congress shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(2) A member of the Commission from private life shall receive \$100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(g)(1) The Commission or any duly authorized subcommittee or member thereof may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production

<sup>41</sup>So in law. Subparagraphs (A)–(C) probably should be redesignated as paragraphs (1)–(3).

**Sec. 804 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 190**

of such books, records, correspondence, memorandums, papers and documents as the Commission or such subcommittee or member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Commission, and may be served by any person designated by the Chairman or such member.

(2) In the case of contumacy or refusal to obey a subpoena issued under subsection (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, the district court, at the request of the Chairman of the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of any such person to obey any such order of the court may be punished by the court as a contempt thereof.

(3) The Commission shall be "an agency of the United States" under subsection (1), section 6001, title 18, United States Code for the purpose of granting immunity to witnesses.

(4) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States, to furnish, on a reimbursable basis or otherwise, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this title.

(h) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and recommendations to the President of the United States and to the Congress on or before April 30, 1976. Sixty days after submission of its final report, the Commission shall cease to exist.

(i)(1) Except as provided in paragraph (2) of this subsection, any member of the Commission is exempted, with respect to his appointment, from the operation of sections 203, 205, 207, and 209 of title 18, United States Code.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(A) to the receipt of payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment[,] or

(B) during the period of such appointment, to the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

**191      OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Sec. 1101**

(j) There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this section.

(k) The foregoing provisions of this section shall take effect upon the expiration of the fifth year period immediately following the date of the enactment of this Act.

**TITLE IV—STATE FIREARMS CONTROL ASSISTANCE**

【Section 901 provides for a freestanding provision relating to findings and declaration (see original law; 18 U.S.C. 921 note; 82 Stat. 225). Section 902 provides for an amendment to title 18, United States Code.】

SEC. 903. 【18 U.S.C. 921 note】 The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury.

SEC. 904. 【18 U.S.C. 921 note】 Nothing in this title or amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954); or

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

【Sections 905 and 906 provide for conforming amendments to title 18, United States Code.】

SEC. 907. 【18 U.S.C. 921 note】 The amendments made by this title shall become effective one hundred and eighty days after the date of its enactment; except that repeal of the Federal Firearms Act shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated pursuant to applicable provisions of law.

**TITLE V—DISQUALIFICATION FOR ENGAGING IN RIOTS AND CIVIL DISORDERS**

【Section 1001 provides for amendments to title 5, United States Code.】

SEC. 1002. 【5 U.S.C. 7313 note】 The provisions of section 1001(a) of this title shall apply only with respect to acts referred to in section 7313(a) (1)–(4) of title 5, United States Code, as added by section 1001 of this title, which are committed after the date of enactment of this title.

**TITLE VI—CONFIRMATION OF THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION**

SEC. 1101. 【28 U.S.C. 532 note】 (a) Effective as of the day following the date on which the present incumbent in the office of Director ceases to serve as such, the Director of the Federal Bureau of Investigation shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensa-

**Sec. 1101 OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 192**

tion at the rate prescribed for level II of the Federal Executive Salary Schedule.

(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section.

(c)(1)<sup>42</sup> Effective on the date of enactment of this subsection, a new term of service for the office of Director of the Federal Bureau of Investigation shall be created, which shall begin on or after August 3, 2011, and continue until September 4, 2013. Notwithstanding the second sentence of subsection (b) of this section, the incumbent Director of the Federal Bureau of Investigation on the date of enactment of this subsection shall be eligible to be appointed to the new term of service provided for by this subsection, by and with the advice and consent of the Senate, and only for that new term of service. Nothing in this subsection shall prevent the President, by and with the advice of the Senate, from appointing an individual, other than the incumbent Director of the Federal Bureau of Investigation, to a 10-year term of service subject to the provisions of subsection (b) after the date of enactment of this subsection.

(2) The individual who is the incumbent in the office of the Director of the Federal Bureau of Investigation on the date of enactment of this subsection may not serve as Director after September 4, 2013.

(3) With regard to the individual who is the incumbent in the office of the Director of the Federal Bureau of Investigation on the date of enactment of this subsection, the second sentence of subsection (b) shall not apply.

**TITLE VII—UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS**

【Sections 1201 through 1203 were repealed by section 104(b) of Public Law 99–308.】

**TITLE VIII—PROVIDING FOR AN APPEAL BY THE UNITED STATES FROM DECISIONS SUSTAINING MOTIONS TO SUPPRESS EVIDENCE**

【Section 1301 provides for an amendment to title 18, United States Code. Section 1302 provides for an amendment to the Act of March 3, 1901 (31 Stat. 1341).】

<sup>42</sup>Subsection (c) was added by section 2 of Public Law 112–24. The amendment made by such Public Law probably should have been made to section 1101 of title VI since this Act has a section 1101 in title I; however, the amendment was executed to section 1101 of title VI to reflect the probable intent of Congress.



**TITLE IX—ADDITIONAL GROUNDS FOR ISSUING  
WARRANT**

**【Section 1401 provides for an amendment to chapter 204 of title 18, United States Code.】**

**TITLE X—PROHIBITING EXTORTION AND THREATS IN  
THE DISTRICT OF COLUMBIA**

**【Section 1501 (22–5106, D.C. Code) repealed by a District of Columbia law.】**

**SEC. 1502. 【22–1810, D.C. Code】** Whoever threatens within the District of Columbia to kidnap any person or to injure the person of another or physically damage the property of any person or of another person, in whole or in part, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

**TITLE XI—GENERAL PROVISIONS**

**SEC. 1601. 【34 U.S.C. 10101 note】** If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.