

34 USC Subtitle I, CHAPTER 101, SUBCHAPTER V, Part A: Edward Byrne Memorial Justice Assistance Grant Program

From Title 34—CRIME CONTROL AND LAW ENFORCEMENT

Subtitle I—Comprehensive Acts

CHAPTER 101—JUSTICE SYSTEM IMPROVEMENT

SUBCHAPTER V—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

PART A—EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

EDITORIAL NOTES

PRIOR PROVISIONS

This part is comprised of subpart 1 (§501 et seq.) of part E of title I of Pub. L. 90–351. A prior subpart 1 (§501 et seq.) related to the drug control and system improvement grant program, prior to repeal by Pub. L. 109–162, [title XI, §1111\(a\)\(1\), \(d\), Jan. 5, 2006](#), 119 Stat. 3094, [3102](#), applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter.

§10151. Name of program

(a) In general

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

(b) References to former programs

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

(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 2009,¹ 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 2009.¹

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

EDITORIAL NOTES

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(2), is Pub. L. 90–351, [June 19, 1968](#), 82 Stat. 197, known as the Omnibus Crime Control and Safe Streets Act of 1968. Former section 506 of the Act was classified to section 3756 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 109–162, [title XI, §1111\(a\)\(1\), Jan. 5, 2006](#), 119 Stat. 3094. Section 505(a) of the Act is classified to section 10156(a) of this title. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

The Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, referred to in subsec. (b)(2), probably means the Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. 109–162, [Jan. 5, 2006](#), 119 Stat. 2960, which repealed former section 3756 of this title and enacted section 10156 of this title. See note above.

CODIFICATION

Section was formerly classified to section 3750 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

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

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–162, [title XI, §1111\(d\)](#), Jan. 5, 2006, 119 Stat. 3102, provided that: "The amendments made by this section [see Tables for classification] shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act [Jan. 5, 2006] and each fiscal year thereafter."

¹ See References in Text note below.

§10152. Description

(a) Grants authorized

(1) In general

From amounts made available to carry out this part, the Attorney General may, in accordance with the formula established under section 10156 of this title, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice or civil proceedings, 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.
- (I) Implementation of State crisis intervention court proceedings and related programs or initiatives, including but not limited to—
 - (i) mental health courts;
 - (ii) drug courts;
 - (iii) veterans courts; and
 - (iv) extreme risk protection order programs, which must include, at a minimum—
 - (I) pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses;
 - (II) the right to be represented by counsel at no expense to the government;
 - (III) pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State's evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and
 - (IV) penalties for abuse of the program.

(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 10151(b) of this title, as those programs were in effect immediately before January 5, 2006.

(b) Contracts and subawards

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

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

(c) Program assessment component; waiver

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

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

(d) Prohibited uses

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

- (1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.
- (2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—
 - (A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);
 - (B) luxury items;
 - (C) real estate;
 - (D) construction projects (other than penal or correctional institutions); or
 - (E) any similar matters.

(e) Administrative costs

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

(f) Period

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

(g) Rule of construction

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

(h) Annual report on crisis intervention programs

The Attorney General shall publish an annual report with respect to grants awarded for crisis intervention programs or initiatives under subsection (a)(1)(I) that contains—

- (1) a description of the grants awarded and the crisis intervention programs or initiatives funded by the grants, broken down by grant recipient;
- (2) an evaluation of the effectiveness of the crisis intervention programs or initiatives in preventing violence and suicide;
- (3) measures that have been taken by each grant recipient to safeguard the constitutional rights of an individual subject to a crisis intervention program or initiative; and
- (4) efforts that the Attorney General is making, in coordination with the grant recipients, to protect the constitutional rights of individuals subject to the crisis intervention programs or initiatives.

(Pub. L. 90–351, title I, §501, as added Pub. L. 109–162, title XI, §1111(a)(2)(C), Jan. 5, 2006, 119 Stat. 3095; amended Pub. L. 109–271, §8(h), Aug. 12, 2006, 120 Stat. 767; Pub. L. 114–255, div. B, title XIV, §14001(a), Dec. 13, 2016, 130 Stat. 1287; Pub. L. 117–159, div. A, title II, §12003, June 25, 2022, 136 Stat. 1325.)

EDITORIAL NOTES

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is Pub. L. 90–351, [June 19, 1968](#), 82 Stat. 197, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3751 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 501 of title I of Pub. L. 90–351, as added and amended Pub. L. 100–690, [title V, §5104, title VI, §6091\(a\), Nov. 18, 1988](#), 102 Stat. 4301, [4329](#); Pub. L. 101–647, [title VI, §601\(b\), Nov. 29, 1990](#), 104 Stat. 4823; Pub. L. 103–322, [title X, §100003, title XIV, §140004, title XV, §150003, title XXI, §210302\(a\), Sept. 13, 1994](#), 108 Stat. 1996, [2032, 2035, 2065](#); Pub. L. 104–132, [title VIII, §822\(a\), Apr. 24, 1996](#), 110 Stat. 1317; Pub. L. 106–177, [title I, §103, Mar. 10, 2000](#), 114 Stat. 35; Pub. L. 106–310, [div. B, title XXXVI, §3621\(b\), Oct. 17, 2000](#), 114 Stat. 1231; Pub. L. 106–561, [§2\(a\), Dec. 21, 2000](#), 114 Stat. 2787, related to description of drug control and system improvement grant program, prior to repeal by Pub. L. 109–162, [title XI, §1111\(a\)\(1\), \(d\), Jan. 5, 2006](#), 119 Stat. 3094, [3102](#), applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter.

Another prior section 501 of title I of Pub. L. 90–351, formerly §601, as added Pub. L. 96–157, [§2, Dec. 27, 1979](#), 93 Stat. 1195; renumbered §501 and amended Pub. L. 98–473, [title II, §608\(a\), Oct. 12, 1984](#), 98 Stat. 2086, related to Congressional statement of purpose regarding discretionary grants, prior to repeal by Pub. L. 100–690, [title VI, §6091\(a\), Nov. 18, 1988](#), 102 Stat. 4328.

Another prior section 501 of title I of Pub. L. 90–351, as added Pub. L. 96–157, [§2, Dec. 27, 1979](#), 93 Stat. 1192, set out Congressional statement of purpose of national priority grants, prior to repeal by Pub. L. 98–473, [title II, §607, Oct. 12, 1984](#), 98 Stat. 2086.

Another prior section 501 of Pub. L. 90–351, [title I, June 19, 1968](#), 82 Stat. 205; Pub. L. 93–83, [§2, Aug. 6, 1973](#), 87 Stat. 211; Pub. L. 94–503, [title I, §120, Oct. 15, 1976](#), 90 Stat. 2418, related to administrative rules, regulations, and procedures, prior to the general amendment of title I of Pub. L. 90–351 by Pub. L. 96–157.

AMENDMENTS

2022—Subsec. (a)(1). Pub. L. 117–159, §12003(a)(1), inserted "or civil proceedings" after "criminal justice" in introductory provisions.

Subsec. (a)(1)(I). Pub. L. 117–159, §12003(a)(2), added subpar. (I).

Subsec. (h). Pub. L. 117–159, §12003(b), added subsec. (h).

2016—Subsec. (a)(1)(H). Pub. L. 114–255 added subpar. (H).

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

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 10151 of this title.

§10153. Applications

(A) ¹ In general

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

(1) A certification that Federal funds made available under this part will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

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

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

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

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

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

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

- (A) the programs to be funded by the grant meet all the requirements of this part;
- (B) all the information contained in the application is correct;
- (C) there has been appropriate coordination with affected agencies; and
- (D) the applicant will comply with all provisions of this part and all other applicable Federal laws.

(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 10152(a)(1) of this title;

(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;
- (ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 10152(a)(1) of this title;
- (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 December 16, 2016, 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 December 16, 2016, 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.

(Pub. L. 90–351, title I, §502, as added Pub. L. 109–162, [title XI, §1111\(a\)\(2\)\(C\)](#), Jan. 5, 2006, 119 Stat. 3096; amended Pub. L. 109–271, [§8\(i\)](#), Aug. 12, 2006, 120 Stat. 767; Pub. L. 114–324, [§14\(b\)](#), Dec. 16, 2016, 130 Stat. 1958.)

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3752 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 502 of title I of Pub. L. 90–351, as added Pub. L. 100–690, [title VI, §6091\(a\)](#), Nov. 18, 1988, 102 Stat. 4331, related to eligibility of a State for financial assistance, prior to repeal by Pub. L. 109–162, [title](#)

XI, §1111(a)(1), (d), Jan. 5, 2006, 119 Stat. 3094, 3102, applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter.

Another prior section 502 of title I of Pub. L. 90–351, formerly §602, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1195; renumbered §502 and amended Pub. L. 98–473, title II, §608(a), Oct. 12, 1984, 98 Stat. 2086, related to percentage of appropriation for discretionary grant program, prior to repeal by Pub. L. 100–690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4328.

Another prior section 502 of title I of Pub. L. 90–351, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1192, prescribed percentage of appropriation for national priority grant program, prior to repeal by Pub. L. 98–473, title II, §607, Oct. 12, 1984, 98 Stat. 2086.

Another prior section 502 of Pub. L. 90–351, title I, June 19, 1968, 82 Stat. 205; Pub. L. 93–83, §2, Aug. 6, 1973, 87 Stat. 211, made provision for delegation of functions of Law Enforcement Assistance Administration to other officers of Department of Justice, prior to the general amendment of title I of Pub. L. 90–351 by Pub. L. 96–157.

AMENDMENTS

2016—Pub. L. 114–324 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Subsec. (a)(6). Pub. L. 114–324, §14(b)(2), added par. (6).

2006—Pub. L. 109–271 substituted "120 days" for "90 days" in introductory provisions.

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 10151 of this title.

APPLICABILITY OF 2016 AMENDMENT

Pub. L. 114–324, §14(c), Dec. 16, 2016, 130 Stat. 1959, provided that: "The requirement to submit a strategic plan under section 501(a)(6) [probably should be "502(a)(6)"] of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [34 U.S.C. 10153(a)(6)], as added by subsection (b), shall apply to any application submitted under such section 501 [502] for a grant for any fiscal year beginning after the date that is 1 year after the date of enactment of this Act [Dec. 16, 2016]."

ACTIVE-SHOOTER TRAINING FOR LAW ENFORCEMENT

Pub. L. 114–255, div. B, title XIV, §14011, Dec. 13, 2016, 130 Stat. 1297, provided that: "The Attorney General, as part of the Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR) of the Department of Justice, may provide safety training and technical assistance to local law enforcement agencies, including active-shooter response training."

¹ *So in original. Probably should be "(a)".*

§10154. Review of applications

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

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

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3753 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 503 of title I of Pub. L. 90–351, as added Pub. L. 100–690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4331; amended Pub. L. 101–649, title V, §507(a), Nov. 29, 1990, 104 Stat. 5050; Pub. L. 102–232, title

III, §306(a)(6), Dec. 12, 1991, 105 Stat. 1751; Pub. L. 103–322, title XXI, §210302(b), Sept. 13, 1994, 108 Stat. 2065; Pub. L. 106–546, §8(a), Dec. 19, 2000, 114 Stat. 2734; Pub. L. 106–561, §2(b), Dec. 21, 2000, 114 Stat. 2787; Pub. L. 107–273, div. B, title V, §5001(a), Nov. 2, 2002, 116 Stat. 1813, related to State applications, prior to repeal by Pub. L. 109–162, title XI, §1111(a)(1), (d), Jan. 5, 2006, 119 Stat. 3094, 3102, applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter. See section 10153 of this title.

Another prior section 503 of title I of Pub. L. 90–351, formerly §603, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1196; renumbered §503 and amended Pub. L. 98–473, title II, §608(a), Oct. 12, 1984, 98 Stat. 2086, related to procedure for establishing discretionary programs, prior to repeal by Pub. L. 100–690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4328.

Another prior section 503 of title I of Pub. L. 90–351, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1192, prescribed procedure for designating national priority programs, including periodic and joint designations by Director of Office of Justice Assistance, Research, and Statistics and Administrator of Law Enforcement Assistance Administration and requests to outside agencies for suggestions, prior to repeal by Pub. L. 98–473, title II, §607, Oct. 12, 1984, 98 Stat. 2086.

Another prior section 503 of Pub. L. 90–351, title I, June 19, 1968, 82 Stat. 205; Pub. L. 93–83, §2, Aug. 6, 1973, 87 Stat. 211, required specific Congressional authorization to transfer functions, powers, and duties of Law Enforcement Assistance Administration within the Department of Justice, prior to the general amendment of title I of Pub. L. 90–351 by Pub. L. 96–157.

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 10151 of this title.

§10155. Rules

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

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

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3754 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 504 of title I of Pub. L. 90–351, as added Pub. L. 100–690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4333; amended Pub. L. 101–162, title II, §211, Nov. 21, 1989, 103 Stat. 1006; Pub. L. 101–515, title II, §207, Nov. 5, 1990, 104 Stat. 2119; Pub. L. 101–647, title VI, §601(a), Nov. 29, 1990, 104 Stat. 4823; Pub. L. 102–140, title I, §§108, 109, Oct. 28, 1991, 105 Stat. 794; Pub. L. 103–322, title XV, §150009, Sept. 13, 1994, 108 Stat. 2036; Pub. L. 107–273, div. A, title II, §203(a)(1), Nov. 2, 2002, 116 Stat. 1775, related to grant limitations, prior to repeal by Pub. L. 109–162, title XI, §1111(a)(1), (d), Jan. 5, 2006, 119 Stat. 3094, 3102, applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter.

Another prior section 504 of title I of Pub. L. 90–351, formerly §604, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1197; renumbered §504 and amended Pub. L. 98–473, title II, §608(b), (f), Oct. 12, 1984, 98 Stat. 2087, related to application requirements for discretionary grants, prior to repeal by Pub. L. 100–690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4328.

Another prior section 504 of title I of Pub. L. 90–351, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1193, prescribed application requirements, including contents of applications, certifications, review by State criminal justice councils, and private nonprofit organizations, prior to repeal by Pub. L. 98–473, title II, §607, Oct. 12, 1984, 98 Stat. 2086.

Another prior section 504 of Pub. L. 90–351, title I, June 19, 1968, 82 Stat. 205; Pub. L. 93–83, §2, Aug. 6, 1973, 87 Stat. 211, provided for place for holding of hearings, signing and issuance of subpoenas,

administering of oaths, the examination of witnesses, and reception of evidence by Administration personnel, prior to the general amendment of title I of Pub. L. 90–351 by Pub. L. 96–157.

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 10151 of this title.

§10156. Formula

(a) Allocation among States

(1) In general

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

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

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

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

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

(2) Minimum allocation

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

- (A) allocate 0.25 percent of the total amount to each State; and
- (B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

(b) Allocation between States and units of local government

Of the amounts allocated under subsection (a)—

- (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 10152 of this title an amount that bears the same ratio of—

- (A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to —
- (B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

(2) Remaining amounts

Except as provided in subsection (e)(1), 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 10152 of this title.

(d) Allocations to local governments

(1) In general

Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 10152 of this title 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 January 5, 2006, the reserved amount was allocated among reporting and nonreporting units of local government.

(3) Annexed units

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

(4) Resolution of disparate allocations

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

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

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

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

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

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

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

(e) Limitation on allocations to units of local government

(1) Maximum allocation

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

(2) Allocations under \$10,000

If the allocation under this section to a unit of local government is less than \$10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 10152 of this title) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than \$10,000.

(3) Non-reporting units

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

(f) Funds not used by the State

If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this part, or that a State chooses not to participate in the program established under this part, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

(g) Special rules for Puerto Rico

(1) All funds set aside for Commonwealth government

Notwithstanding any other provision of this part, the amounts allocated under subsection (a) 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 defined in section 7102 of title 22).

(Pub. L. 90–351, title I, §505, as added Pub. L. 109–162, [title XI, §1111\(a\)\(2\)\(C\)](#), Jan. 5, 2006, 119 Stat. 3097; amended Pub. L. 114–22, [title I, §107](#), May 29, 2015, 129 Stat. 238.)

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3755 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 505 of title I of Pub. L. 90–351, as added Pub. L. 100–690, [title VI, §6091\(a\)](#), Nov. 18, 1988, 102 Stat. 4333, related to review of State applications, prior to repeal by Pub. L. 109–162, [title XI, §1111\(a\)\(1\), \(d\)](#), Jan. 5, 2006, 119 Stat. 3094, [3102](#), applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter.

Another prior section 505 of title I of Pub. L. 90–351, formerly §605, as added Pub. L. 96–157, [§2, Dec. 27, 1979](#), 93 Stat. 1197; renumbered §505 and amended Pub. L. 98–473, [title II, §608\(c\)](#), Oct. 12, 1984, 98 Stat. 2087, related to criteria for award, prior to repeal by Pub. L. 100–690, [title VI, §6091\(a\)](#), Nov. 18, 1988, 102 Stat. 4328.

Another prior section 505 of title I of Pub. L. 90–351, as added Pub. L. 96–157, [§2, Dec. 27, 1979](#), 93 Stat. 1194, set out criteria for award of national priority grants, including establishment of reasonable requirements, maximum per centum of grant funds, funds reserved or set aside but not used in the fiscal year, and three-year period for financial aid and assistance and extension or renewal of period, prior to repeal by Pub. L. 98–473, [title II, §607](#), Oct. 12, 1984, 98 Stat. 2086.

Another prior section 505 of Pub. L. 90–351, [title I, June 19, 1968](#), 82 Stat. 205, amended section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

2015—Subsec. (i). Pub. L. 114–22 added subsec. (i).

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 10151 of this title.

§10157. Reserved funds

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

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

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

(b) Of the total amount made available to carry out this part for a fiscal year, the Attorney General may reserve not more than 5 percent, to be granted to 1 or more States or units of local government, for 1 or more of the purposes specified in section 10152 of this title, pursuant to his determination that the same is necessary—

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

(2) to prevent, compensate for, or mitigate significant programmatic harm resulting from operation of the formula established under section 10156 of this title.

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

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3756 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 506 of title I of Pub. L. 90–351, as added Pub. L. 100–690, [title VI, §6091\(a\)](#), Nov. 18, 1988, 102 Stat. 4334; amended Pub. L. 101–162, [title II, §212](#), Nov. 21, 1989, 103 Stat. 998, 1006; Pub. L. 101–302, [title III, §320\(c\)\(1\)](#), May 25, 1990, 104 Stat. 248; Pub. L. 101–647, [title XVIII, §1804](#), Nov. 29, 1990, 104 Stat. 4851; Pub. L. 103–322, [title XXXIII, §330001\(a\)](#), Sept. 13, 1994, 108 Stat. 2138; Pub. L. 107–273, [div. A, title II, §203\(a\)\(2\)](#), Nov. 2, 2002, 116 Stat. 1775, related to allocation and distribution of funds under formula grants, prior to repeal by Pub. L. 109–162, [title XI, §1111\(a\)\(1\), \(d\)](#), Jan. 5, 2006, 119 Stat. 3094, 3102, applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter. See section 10156(a) of this title.

Another prior section 506 of title I of Pub. L. 90–351, formerly §606, as added Pub. L. 96–157, [§2](#), Dec. 27, 1979, 93 Stat. 1197; renumbered §506 and amended Pub. L. 98–473, [title II, §608\(d\)](#), Oct. 12, 1984, 98 Stat. 2087, related to period for award of discretionary grants, prior to repeal by Pub. L. 100–690, [title VI, §6091\(a\)](#), Nov. 18, 1988, 102 Stat. 4328.

Another prior section 506 of Pub. L. 90–351, [title I, June 19, 1968](#), 82 Stat. 205, amended section 5316 of Title 5, Government Organization and Employees.

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 10151 of this title.

§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 part.

(b) Expenditures

(1) In general

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

(2) Repayment

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

(3) Reduction of future amounts

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

(c) Repaid amounts

Amounts received as repayments under this section shall be subject to section 10108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the

Attorney General to carry out this part. Such funds are hereby made available to carry out this part.

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

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 3757 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 507 of title I of Pub. L. 90–351, as added Pub. L. 100–690, [title VI, §6091\(a\)](#), Nov. 18, 1988, 102 Stat. 4335, related to designation and purposes of a State office, prior to repeal by Pub. L. 109–162, [title XI, §1111\(a\)\(1\), \(d\)](#), Jan. 5, 2006, 119 Stat. 3094, [3102](#), applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter.

Another prior section 507 of Pub. L. 90–351, [title I, June 19, 1968](#), 82 Stat. 205; Pub. L. 93–83, [§2, Aug. 6, 1973](#), 87 Stat. 211; Pub. L. 94–503, [title I, §§119\(b\), 121, Oct. 15, 1976](#), 90 Stat. 2417, [2418](#), related to officers, employees, and hearing examiners, prior to the general amendment of title I of Pub. L. 90–351 by Pub. L. 96–157.

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE

Section applicable with respect to the first fiscal year beginning after Jan. 5, 2006, and each fiscal year thereafter, see section 1111(d) of Pub. L. 109–162, set out as an Effective Date of 2006 Amendment note under section 10151 of this title.

§10159. Law enforcement training programs

(a) Definition

In this section, the term "certified training program or course" means a program or course using 1 or more of the training curricula developed or identified under section 10381(n)(1) of this title, or equivalents to such training curricula

— (1) that is provided by the Attorney General under section 10381(n)(3) of this title; or

(2) that is—

(A) provided by a public or private entity, including the personnel of a law enforcement agency or law enforcement training academy of a State or unit of local government who have been trained to offer training programs or courses under section 10381(n)(3) of this title; and

(B) certified by the Attorney General under section 10381(n)(2) of this title.

(b) Authority

(1) In general

Not later than 90 days after the Attorney General completes the activities required by paragraphs (1) and (2) of section 10381(n) of this title, the Attorney General shall, from amounts made available to fund training programs pursuant to subsection (h), make grants to States for use by the State or a unit of government located in the State to

— (A) pay for—

(i) costs associated with conducting a certified training program or course or, subject to paragraph (2), a certified training program or course that provides continuing education; and

(ii) attendance by law enforcement officers or covered mental health professionals at a certified training program or course, including a course provided by a law enforcement training academy of a State or unit of local government;

(B) procure a certified training program or course or, subject to paragraph (2), a certified training program or course that provides continuing education on 1 or more of the topics described in section 10381(n)(1)(A) of this title;

(C) in the case of a law enforcement agency of a unit of local government that employs fewer than 50 employees (determined on a full-time equivalent basis), pay for the costs of overtime accrued as a result of the attendance of a law enforcement officer or covered mental health professional at a certified training program or

course for which the costs associated with conducting the certified training program or course are paid using amounts provided under this section;

(D) pay for the costs of developing mechanisms to comply with the reporting requirements established under subsection (d), in an amount not to exceed 5 percent of the total amount of the grant award; and

(E) pay for the costs associated with participation in the voluntary National Use-of-Force Data Collection of the Federal Bureau of Investigation, in an amount not to exceed 5 percent of the total amount of the grant award, if a law enforcement agency of the State or unit of local government is not already reporting to the National Use-of-Force Data Collection.

(2) Requirements for use for continuing education

(A) Definition

In this paragraph, the term "covered topic" means a topic covered under the curricula developed or identified under clause (i), (ii), or (iv) of section 10381(n)(1)(A) of this title.

(B) Requirement to provide initial training

A State or unit of local government shall ensure that all officers who have been employed with the State or unit of local government for at least 2 years have received training as part of a certified training program or course on all covered topics before the State or unit of local government uses amounts received under a grant under paragraph (1) for continuing education with respect to any covered topic.

(C) Start date of availability of funding

(i) In general

Subject to clause (ii), a State or unit of local government may not use amounts received under a grant under paragraph (1) for continuing education with respect to a covered topic until the date that is 2 years after December 27, 2022.

(ii) Exception

A State or unit of local government may use amounts received under a grant under paragraph (1) for continuing education with respect to a covered topic during the 2-year period beginning on December 27, 2022, if the State or unit of local government has complied with subparagraph (B) using amounts available to the State or unit of local government other than amounts received under a grant under paragraph (1).

(3) Maintaining relationships with local mental health organizations

A State or unit of local government that receives funds under this section shall establish and maintain relationships between law enforcement officers and local mental health organizations and health care services.

(c) Allocation of funds

(1) In general

Of the total amount appropriated to carry out this section for a fiscal year, the Attorney General shall allocate funds to each State in proportion to the total number of law enforcement officers in the State that are employed by the State or a unit of local government within the State, as compared to the total number of law enforcement officers in the United States.

(2) Retention of funds for training for State law enforcement officers proportional to number of State officers

Each fiscal year, each State may retain, for use for the purposes described in this section, from the total amount of funds provided to the State under paragraph (1) an amount that is not more than the amount that bears the same ratio to such total amount as the ratio of—

(A) the total number of law enforcement officers employed by the State; to

(B) the total number of law enforcement officers in the State that are employed by the State or a unit of local government within the State.

(3) Provision of funds for training for local law enforcement officers

(A) In general

A State shall make available to units of local government in the State for the purposes described in this section the amounts remaining after a State retains funds under paragraph (2).

(B) Additional uses

A State may, with the approval of a unit of local government, use the funds allocated to the unit of local government under subparagraph (A)—

(i) to facilitate offering a certified training program or course or, subject to subsection (b)(2), a certified training program or course that provide ¹ continuing education in 1 or more of the topics described in section 10381(n)(1)(A) of this title to law enforcement officers employed by the unit of local government; or

(ii) for the costs of training local law enforcement officers, including through law enforcement training academies of States and units of local government, to conduct a certified training program or course.

(C) Consultation

The Attorney General, in consultation with relevant law enforcement agencies of States and units of local government, associations that represent individuals with mental or behavioral health diagnoses or individuals with disabilities, labor organizations, professional law enforcement organizations, local law enforcement labor and representative organizations, law enforcement trade associations, mental health and suicide prevention organizations, family advocacy organizations, and civil rights and civil liberties groups, shall develop criteria governing the allocation of funds to units of local government under this paragraph, which shall ensure that the funds are distributed as widely as practicable in terms of geographical location and to both large and small law enforcement agencies of units of local government.

(D) Announcement of allocations

Not later than 30 days after the date on which a State receives an award under paragraph (1), the State shall announce the allocations of funds to units of local government under subparagraph (A). A State shall submit to the Attorney General a report explaining any delays in the announcement of allocations under this subparagraph.

(d) Reporting

(1) Units of local government

Any unit of local government that receives funds from a State under subsection (c)(3) for a certified training program or course shall submit to the State or the Attorney General an annual report with respect to the first fiscal year during which the unit of local government receives such funds and each of the 2 fiscal years thereafter that—

(A) shall include the number of law enforcement officers employed by the unit of local government that have completed a certified training program or course, including a certified training program or course provided on or before the date on which the Attorney General begins certifying training programs and courses under section 10381(n)(2) of this title, the topics covered in those courses, and the number of officers who received training in each topic;

(B) may, at the election of the unit of local government, include the number of law enforcement officers employed by the unit of local government that have completed a certified training program or course using funds provided from a source other than the grants described under subsection (b), the topics covered in those courses, and the number of officers who received training in each topic;

(C) shall include the total number of law enforcement officers employed by the unit of local government;

(D) shall include a description of any barriers to providing training on the topics described in section 10381(n)(1)(A) of this title;

(E) shall include information gathered through—

(i) pre-training and post-training tests that assess relevant knowledge and skills covered in the training curricula, as specified in section 10381(n)(1) of this title; and

(ii) follow-up evaluative assessments to determine the degree to which participants in the training apply, in their jobs, the knowledge and skills gained in the training; and

(F) shall include the amount of funds received by the unit of local government under subsection (c)(3) and a tentative plan for training all law enforcement officers employed by the unit of local government using available and anticipated funds.

(2) States

A State receiving funds under this section shall submit to the Attorney General—

(A) any report the State receives from a unit of local government under paragraph (1); and

(B) if the State retains funds under subsection (c)(2) for a fiscal year, a report by the State for that fiscal year, and each of the 2 fiscal years thereafter—

(i) indicating the number of law enforcement officers employed by the State that have completed a certified training program or course, including a certified training program or course provided on or before the date on which the Attorney General begins certifying training programs or courses under section 10381(n)(2) of this title, the topics covered in those courses, and the number of officers who received training in each topic, including, at the election of the State, a certified training program or course using funds provided from a source other than the grants described under subsection (b);

(ii) indicating the total number of law enforcement officers employed by the State;

(iii) providing information gathered through—

(I) pre-training and post-training tests that assess relevant knowledge and skills covered in the training curricula, as specified in section 10381(n)(1) of this title; and

(II) follow-up evaluative assessments to determine the degree to which participants in the training apply, in their jobs, the knowledge and skills gained in the training;

(iv) discussing any barriers to providing training on the topics described in section 10381(n)(1)(A) of this title; and

(v) indicating the amount of funding retained by the State under subsection (c)(2) and providing a tentative plan for training all law enforcement officers employed by the State using available and anticipated funds.

(3) Reporting tools

Not later than 180 days after December 27, 2022, the Attorney General shall develop a portal through which the data required under paragraphs (1) and (2) may be collected and submitted.

(4) Reports on the use of de-escalation tactics and other techniques

(A) In general

The Attorney General, in consultation with the Director of the Federal Bureau of Investigation, relevant law enforcement agencies of States and units of local government, associations that represent individuals with mental or behavioral health diagnoses or individuals with disabilities, labor organizations, professional law enforcement organizations, local law enforcement labor and representative organizations, law enforcement trade associations, mental health and suicide prevention organizations, family advocacy organizations, and civil rights and civil liberties groups, shall establish—

- (i) reporting requirements on interactions in which de-escalation tactics and other techniques in curricula developed or identified under section 10381(n)(1) of this title are used by each law enforcement agency that receives funding under this section; and
- (ii) mechanisms for each law enforcement agency to submit such reports to the Department of Justice.

(B) Reporting requirements

The requirements developed under subparagraph (A) shall—

- (i) specify—
 - (I) the circumstances under which an interaction shall be reported, considering—
 - (aa) the cost of collecting and reporting the information; and
 - (bb) the value of that information for determining whether—
 - (AA) the objectives of the training have been met; and
 - (BB) the training reduced or eliminated the risk of serious physical injury to officers, subjects, and third parties; and
 - (II) the demographic and other relevant information about the officer and subjects involved in the interaction that shall be included in such a report; and
- (ii) require such reporting be done in a manner that—
 - (I) is in compliance with all applicable Federal and State confidentiality laws; and
 - (II) does not disclose the identities of law enforcement officers, subjects, or third parties.

(C) Review of reporting requirements

Not later than 2 years after December 27, 2022, and every 2 years thereafter, the Attorney General, in consultation with the entities specified under subparagraph (A), shall review and consider updates to the reporting requirements.

(5) Failure to report

(A) In general

An entity receiving funds under this section that fails to file a report as required under paragraph (1) or (2), as applicable and as determined by the Attorney General, shall not be eligible to receive funds under this section for a period of 2 fiscal years.

(B) Rule of construction

Nothing in subparagraph (A) shall be construed to prohibit a State that fails to file a report as required under paragraph (2), and is not eligible to receive funds under this section, from making funding available to a unit of local government of the State under subsection (c)(3), if the unit of local government has complied with the reporting requirements.

(e) Attorney General reports

(1) Implementation report

Not later than 2 years after December 27, 2022, and each year thereafter in which grants are made under this section, the Attorney General shall submit a report to Congress on the implementation of activities carried out under this section.

(2) Contents

Each report under paragraph (1) shall include, at a minimum, information on—

- (A) the number, amounts, and recipients of awards the Attorney General has made or intends to make using funds authorized under this section;
- (B) the selection criteria the Attorney General has used or intends to use to select recipients of awards using funds authorized under this section;
- (C) the number of law enforcement officers of a State or unit of local government who were not able to receive training on the topics described in section 10381(n)(1)(A) of this title due to unavailability of funds and the amount of funds that would be required to complete the training; and

(D) the nature, frequency, and amount of information that the Attorney General has collected or intends to collect under subsection (d).

(3) Privacy protections

A report under paragraph (1) shall not disclose the identities of individual law enforcement officers who received, or did not receive, training under a certified training program or course.

(f) National Institute of Justice study

(1) Study and report

Not later than 2 years after the first grant award using funds authorized under this section, the National Institute of Justice shall conduct a study of the implementation of training under a certified training program or course in at least 6 jurisdictions representing an array of agency sizes and geographic locations, which shall include—

(A) a process evaluation of training implementation, which shall include an analysis of the share of officers who participated in the training, the degree to which the training was administered in accordance with the curriculum, and the fidelity with which the training was applied in the field; and

(B) an impact evaluation of the training, which shall include an analysis of the impact of the training on interactions between law enforcement officers and the public, any factors that prevent or preclude law enforcement officers from successfully de-escalating law enforcement interactions, and any recommendations on modifications to the training curricula and methods that could improve outcomes.

(2) National Institute of Justice access to portal

For the purposes of preparing the report under paragraph (1), the National Institute of Justice shall have direct access to the portal developed under subsection (d)(3).

(3) Privacy protections

The study under paragraph (1) shall not disclose the identities of individual law enforcement officers who received, or did not receive, training under a certified training program or course.

(4) Funding

Not more than 1 percent of the amount appropriated to carry out this section during any fiscal year shall be made available to conduct the study under paragraph (1).

(g) GAO report

(1) Study and report

Not later than 3 years after the first grant award using funds authorized under this section, the Comptroller General of the United States shall review the grant program under this section and submit to Congress a report assessing the grant program, including—

(A) the process for developing and identifying curricula under section 10381(n)(1) of this title, including the effectiveness of the consultation by the Attorney General with the agencies, associations, and organizations identified under section 10381(n)(1)(C) of this title;

(B) the certification of training programs and courses under section 10381(n)(2) of this title, including the development of the process for certification and its implementation;

(C) the training of law enforcement personnel under section 10381(n)(3) of this title, including the geographic distribution of the agencies that employ the personnel receiving the training and the sizes of those agencies;

(D) the allocation of funds under subsection (c), including the geographic distribution of the agencies that receive funds and the degree to which both large and small agencies receive funds; and

(E) the amount of funding distributed to agencies compared with the amount appropriated under this section, the amount spent for training, and whether plans have been put in place by the recipient agencies to use unspent available funds.

(2) GAO access to portal

For the purposes of preparing the report under paragraph (1), the Comptroller General of the United States shall have direct access to the portal developed under subsection (d)(3).

(h) Authorization of appropriations

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

(1) \$40,000,000 for fiscal year 2025; and

(2) \$50,000,000 for fiscal year 2026.

(Pub. L. 90–351, title I, §508, as added Pub. L. 117–325, §2(c)(2), Dec. 27, 2022, 136 Stat. 4444.)

EDITORIAL NOTES

PRIOR PROVISIONS

A prior section 508 of Pub. L. 90–351 was renumbered section 509 and had been classified to section 3758 of Title 42, The Public Health and Welfare, prior to being omitted from the Code.

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

28 USC 530C: Authority to use available funds

Text contains those laws in effect on March 5, 2023

From Title 28-JUDICIARY AND JUDICIAL PROCEDURE

PART II-DEPARTMENT OF JUSTICE

CHAPTER 31-THE ATTORNEY GENERAL

Jump To:

[Source Credit](#)

[Miscellaneous](#)

[References In Text](#)

[Amendments](#)

§530C. Authority to use available funds

(a) IN GENERAL.-Except to the extent provided otherwise by law, the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof) may, in the reasonable discretion of the Attorney General, be carried out through any means, including-

- (1) through the Department's own personnel, acting within, from, or through the Department itself;
- (2) by sending or receiving details of personnel to other branches or agencies of the Federal Government, on a reimbursable, partially-reimbursable, or nonreimbursable basis;
- (3) through reimbursable agreements with other Federal agencies for work, materials, or equipment;
- (4) through contracts, grants, or cooperative agreements with non-Federal parties; and
- (5) as provided in subsection (b), in section 524, and in any other provision of law consistent herewith, including, without limitation, section 102(b) of Public Law 102-395 (106 Stat. 1838), as incorporated by section 815(d) of Public Law 104-132 (110 Stat. 1315).

(b) PERMITTED USES.-

(1) GENERAL PERMITTED USES.-Funds available to the Attorney General (i.e., all funds available to carry out the activities described in subsection (a)) may be used, without limitation, for the following:

- (A) The purchase, lease, maintenance, and operation of passenger motor vehicles, or police-type motor vehicles for law enforcement purposes, without regard to general purchase price limitation for the then-current fiscal year.
- (B) The purchase of insurance for motor vehicles, boats, and aircraft operated in official Government business in foreign countries.
- (C) Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.
- (D) Official reception and representation expenses (i.e., official expenses of a social nature intended in whole or in predominant part to promote goodwill toward the Department or its missions, but excluding expenses of public tours of facilities of the Department of Justice), in accordance with distributions and procedures established, and rules issued, by the Attorney General, and expenses of public tours of facilities of the Department of Justice.
- (E) Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.
- (F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.
- (G) In accordance with procedures established and rules issued by the Attorney General-
 - (i) attendance at meetings and seminars;
 - (ii) conferences and training; and
 - (iii) advances of public moneys under section 3324 of title 31: *Provided*, That travel advances of such moneys to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.

(H) Contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.

(I) Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and rules issued by the Attorney General.

(J) Expenses or allowances for uniforms as authorized by section 5901 of title 5, but without regard to the general purchase price limitation for the then-current fiscal year.

(K) Expenses of-

- (i) primary and secondary schooling for dependents of personnel stationed outside the United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the

Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents; and

(ii) transportation of those dependents between their place of residence and schools serving the area which those dependents would normally attend when the Attorney General, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation.

(L) payment of rewards (i.e., payments pursuant to public advertisements for assistance to the Department of Justice), in accordance with procedures and regulations established or issued by the Attorney General: *Provided, That-*

(i) no such reward shall exceed \$3,000,000, unless-

(I) the reward is to combat domestic terrorism or international terrorism (as defined in section 2331 of title 18); or

(II) a statute should authorize a higher amount;

(ii) no such reward of \$250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;

(iii) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under clause (ii);

(iv) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5) may provide the Attorney General with funds for the payment of rewards; and

(v) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review.

(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

(i) ¹ For purposes of this subparagraph-

(I) the term "mass killings" means 3 or more killings in a single incident; and

(II) the term "place of public use" has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.

(2) SPECIFIC PERMITTED USES.-

(A) AIRCRAFT AND BOATS.-Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Bureau of Alcohol, Tobacco, Firearms and Explosives, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

(B) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.-Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Bureau of Alcohol, Tobacco, Firearms and Explosives, for the Drug Enforcement Administration, for the Federal Prison System, for the Office of the Inspector General, and for the Immigration and Naturalization Service may be used for-

(i) the purchase of ammunition and firearms; and

(ii) participation in firearms competitions.

(C) CONSTRUCTION.-Funds available to the Attorney General for construction may be used for expenses of planning, designing, acquiring, building, constructing, activating, renovating, converting, expanding, extending, remodeling, equipping, repairing, or maintaining buildings or facilities, including the expenses of acquisition of sites therefor, and all necessary expenses incident or related thereto; but the foregoing shall not be construed to mean that funds generally available for salaries and expenses are not also available for certain incidental or minor construction, activation, remodeling, maintenance, and other related construction costs.

(3) FEES AND EXPENSES OF WITNESSES.-Funds available to the Attorney General for fees and expenses of witnesses may be used for-

(A) expenses, mileage, compensation, protection, and per diem in lieu of subsistence, of witnesses (including advances of public money) and as authorized by section 1821 or other law, except that no witness may be paid more than 1 attendance fee for any 1 calendar day;

(B) fees and expenses of neutrals in alternative dispute resolution proceedings, where the Department of Justice is a party; and

(C) construction of protected witness safesites.

(4) **FEDERAL BUREAU OF INVESTIGATION.**-Funds available to the Attorney General for the Federal Bureau of Investigation for the detection, investigation, and prosecution of crimes against the United States may be used for the conduct of all its authorized activities.

(5) **IMMIGRATION AND NATURALIZATION SERVICE.**-Funds available to the Attorney General for the Immigration and Naturalization Service may be used for-

- (A) acquisition of land as sites for enforcement fences, and construction incident to such fences;
- (B) cash advances to aliens for meals and lodging en route;
- (C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and
- (D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

(6) **FEDERAL PRISON SYSTEM.**-Funds available to the Attorney General for the Federal Prison System may be used for-

- (A) inmate medical services and inmate legal services, within the Federal prison system;
- (B) the purchase and exchange of farm products and livestock;
- (C) the acquisition of land as provided in section 4010 of title 18; and
- (D) the construction of buildings and facilities for penal and correctional institutions (including prison camps), by contract or force account, including the payment of United States prisoners for their work performed in any such construction;

except that no funds may be used to distribute or make available to a prisoner any commercially published information or material that is sexually explicit or features nudity.

(7) **DETENTION TRUSTEE.**-Funds available to the Attorney General for the Detention Trustee may be used for all the activities of such Trustee in the exercise of all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service and to the detention of aliens in the custody of the Immigration and Naturalization Service, including the overseeing of construction of detention facilities or for housing related to such detention, the management of funds appropriated to the Department for the exercise of detention functions, and the direction of the United States Marshals Service and Immigration Service with respect to the exercise of detention policy setting and operations for the Department of Justice.

(c) **RELATED PROVISIONS.**-

(1) **LIMITATION OF COMPENSATION OF INDIVIDUALS EMPLOYED AS ATTORNEYS.**-No funds available to the Attorney General may be used to pay compensation for services provided by an individual employed as an attorney (other than an individual employed to provide services as a foreign attorney in special cases) unless such individual is duly licensed and authorized to practice as an attorney under the law of a State, a territory of the United States, or the District of Columbia.

(2) **REIMBURSEMENTS PAID TO GOVERNMENTAL ENTITIES.**-Funds available to the Attorney General that are paid as reimbursement to a governmental unit of the Department of Justice, to another Federal entity, or to a unit of State or local government, may be used under authorities available to the unit or entity receiving such reimbursement.

(d) **FOREIGN REIMBURSEMENTS.**-Whenever the Department of Justice or any component participates in a cooperative project to improve law enforcement or national security operations or services with a friendly foreign country on a cost-sharing basis, any reimbursements or contributions received from that foreign country to meet its share of the project may be credited to appropriate current appropriations accounts of the Department of Justice or any component. The amount of a reimbursement or contribution credited shall be available only for payment of the share of the project expenses allocated to the participating foreign country.

(e) **RAILROAD POLICE TRAINING FEES.**-The Attorney General is authorized to establish and collect a fee to defray the costs of railroad police officers participating in a Federal Bureau of Investigation law enforcement training program authorized by Public Law 106-110, and to credit such fees to the appropriation account "Federal Bureau of Investigation, Salaries and Expenses", to be available until expended for salaries and expenses incurred in providing such services.

(f) **WARRANTY WORK.**-In instances where the Attorney General determines that law enforcement-, security-, or mission-related considerations mitigate against obtaining maintenance or repair services from private sector entities for equipment under warranty, the Attorney General is authorized to seek reimbursement from such entities for warranty work performed at Department of Justice facilities, and to credit any payment made for such work to any appropriation charged therefor.

(Added Pub. L. 107-273, div. A, title II, §201(a), Nov. 2, 2002, 116 Stat. 1767 ; amended Pub. L. 108-199, div. B, title I, Jan. 23, 2004, 118 Stat. 53 ; Pub. L. 112-265, §2(a), Jan. 14, 2013, 126 Stat. 2435 .)

EDITORIAL NOTES

REFERENCES IN TEXT

Section 102(b) of Public Law 102–395, referred to in subsec. (a)(5), is section 102(b) of Pub. L. 102–395, [title I, Oct. 6, 1992](#), 106 Stat. 1838 , which is set out as a note under section 533 of this title.

Section 815(d) of Public Law 104–132, referred to in subsec. (a)(5), is section 815(d) of Pub. L. 104–132, [title VIII, Apr. 24, 1996](#), 110 Stat. 1315 , which is set out as a note under section 533 of this title.

Public Law 106–110, referred to in subsec. (e), is Pub. L. 106–110, [Nov. 24, 1999](#), 113 Stat. 1497 , which amended section 10211 of Title 34, Crime Control and Law Enforcement.

AMENDMENTS

2013-Subsec. (b)(1)(L)(i). Pub. L. 112–265, §2(a)(1), substituted "\$3,000,000" for "\$2,000,000" in introductory provisions.

Subsec. (b)(1)(M). Pub. L. 112–265, §2(a)(2), added subpar. (M).

2004-Subsec. (b)(2)(A), (B). Pub. L. 108–199 inserted "for the Bureau of Alcohol, Tobacco, Firearms and Explosives," after "Marshals Service,".

STATUTORY NOTES AND RELATED SUBSIDIARIES

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

USE OF FEDERAL TRAINING FACILITIES

Pub. L. 109–162, [title XI, §1173, Jan. 5, 2006](#), 119 Stat. 3124 , as amended by Pub. L. 109–271, [§8\(d\), Aug. 12, 2006](#), 120 Stat. 766 , provided that:

"(a) FEDERAL TRAINING FACILITIES.-Unless authorized in writing by the Attorney General, or the Assistant Attorney General for Administration, if so delegated by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominantly internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility or for meals, lodging, or other expenses related to such internal training or conference meeting.

"(b) ANNUAL REPORT.-The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting authorized under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization."

¹ So in original. Probably should be "(ii)".