

4335; amended Pub. L. 101-647, title XVIII, §1801(a)(2), Nov. 29, 1990, 104 Stat. 4847; Pub. L. 103-322, title XXXII, §320702(a), Sept. 13, 1994, 108 Stat. 2121; Pub. L. 105-277, div. A, §101(b) [title I, §120(a)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-70; Pub. L. 107-273, div. A, title II, §203(a)(3), (4), Nov. 2, 2002, 116 Stat. 1775, related to purposes of grants to public and private entities.

Section 3761, Pub. L. 90-351, title I, §511, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4336; amended Pub. L. 101-647, title XVIII, §1801(a)(3), Nov. 29, 1990, 104 Stat. 4847; Pub. L. 107-273, div. A, title II, §203(a)(5), Nov. 2, 2002, 116 Stat. 1775, related to allocation of funds for grants.

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

#### PRIOR PROVISIONS

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

#### EFFECTIVE DATE OF REPEAL

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

#### SUBPART 2—GRANTS TO PUBLIC AGENCIES

### § 3762a. Correctional options grants

#### (a) Authority to make grants

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

(1) 4 grants in each fiscal year, in various geographical areas throughout the United States, to public agencies for correctional options (including the cost of construction) that provide alternatives to traditional modes of incarceration and offender release programs—

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

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

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

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

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

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

(2) grants to private nonprofit organizations—

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

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

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

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

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

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

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

#### (b) Selection of grantees

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

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

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

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

#### (c) Consultations

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

(Pub. L. 90-351, title I, §515, as added Pub. L. 101-647, title XVIII, §1801(a)(7), Nov. 29, 1990, 104 Stat. 4847; amended Pub. L. 103-322, title XXXIII, §330001(b)(1), Sept. 13, 1994, 108 Stat. 2138; Pub. L. 110-177, title III, §302(a), Jan. 7, 2008, 121 Stat. 2539.)

#### REFERENCES IN TEXT

The Commission on Alternative Utilization of Military Facilities, referred to in subsec. (c), was created by section 2819 of Pub. L. 100-456, as amended, which was set out as a note under section 2391 of Title 10, Armed Forces, prior to repeal by Pub. L. 105-261, div. A, title X, §1031(b), Oct. 17, 1998, 112 Stat. 2123.

#### PRIOR PROVISIONS

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

#### AMENDMENTS

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

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

1994—Subsec. (b). Pub. L. 103-322, in introductory provisions substituted “paragraphs (1) and (2) of subsection (a)” for “subsection (a)(1) and (2)”, and in par. (2) substituted “public agencies” for “States”.

#### TRANSFER OF FUNCTIONS

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

### § 3762b. Allocation of funds; administrative provisions

#### (a) Allocation of funds

Of the total amount appropriated for this subpart in any fiscal year, 70 percent shall be used to make grants under section 3762a(a)(1) of this title, 10 percent shall be used to make grants under section 3762a(a)(2) of this title, 10 percent shall be used to make grants under section 3762a(a)(3) of this title, and 10 percent for section 3762a(a)(4) of this title.

#### (b) Limit on grant share of cost

A grant made under paragraph (1) or (3) of section 3762a(a) of this title may be made for an amount up to 75 percent of the cost of the correctional option contained in the approved application.

#### (c) Rules; report; request for applications

The Director shall—

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

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

(A) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report describing such rules; and

(B) request applications for grants under this subpart.

(Pub. L. 90-351, title I, §516, as added Pub. L. 101-647, title XVIII, §1801(a)(7), Nov. 29, 1990, 104 Stat. 4848; amended Pub. L. 103-322, title XXXIII, §330001(b)(2), Sept. 13, 1994, 108 Stat. 2138; Pub. L. 110-177, title III, §302(b), Jan. 7, 2008, 121 Stat. 2539.)

#### PRIOR PROVISIONS

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

#### AMENDMENTS

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

1994—Subsec. (a). Pub. L. 103-322, §330001(b)(2)(A), substituted “10 percent shall be used to make grants under section” for “10 percent for section” in two places.

Subsec. (b). Pub. L. 103-322, §330001(b)(2)(B), substituted “paragraph (1) or (3) of section 3762a(a)” for “section 3762a(a)(1) or (a)(3)”.

#### TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumer-

ated in section 3742(3) to (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106-113, set out as a note under section 3741 of this title.

#### SUBPART 3—GENERAL REQUIREMENTS

### § 3763. Application requirements

(a) No grant may be made under this part unless an application has been submitted to the Director in which the applicant—

(1) sets forth a program or project which is eligible for funding pursuant to section 3762a of this title;

(2) describes the services to be provided, performance goals, and the manner in which the program is to be carried out;

(3) describes the method to be used to evaluate the program or project in order to determine its impact and effectiveness in achieving the stated goals; and

(4) agrees to conduct such evaluation according to the procedures and terms established by the Bureau.

(b) Each applicant for funds under this part shall certify that its program or project meets all the applicable requirements of this section, that all the applicable information contained in the application is correct, and that the applicant will comply with all the applicable provisions of this part and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Director.

(Pub. L. 90-351, title I, §517, formerly §513, as added Pub. L. 100-690, title VI, §6091(a), Nov. 18, 1988, 102 Stat. 4336; renumbered §517 and amended Pub. L. 101-647, title XVIII, §1801(a)(4), (6), Nov. 29, 1990, 104 Stat. 4847; Pub. L. 109-162, title XI, §1111(c)(2)(A), Jan. 5, 2006, 119 Stat. 3101.)

#### PRIOR PROVISIONS

For prior section 517 of Pub. L. 90-351 and prior sections 3763 of this title, see note set out preceding section 3750 of this title.

#### AMENDMENTS

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

1990—Subsec. (a)(1). Pub. L. 101-647, §1801(a)(4)(A), inserted “or 3762a” after “3761”.

Subsec. (b). Pub. L. 101-647, §1801(a)(4)(B), inserted “applicable” after “all the” in three places.

#### EFFECTIVE DATE OF 2006 AMENDMENT

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

#### TRANSFER OF FUNCTIONS

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

### § 3764. Period of award

The Bureau may provide financial aid and assistance to programs or projects under this part