

13703(a) of this title to an eligible State not later than 30 days after receiving an application that demonstrates that such State qualifies for a Violent Offender Incarceration grant under section 13703 of this title or a Truth-in-Sentencing Incentive grant under section 13704 of this title.

**(b) Limitations on funds**

**(1) Uses of funds**

Except as provided in section<sup>1</sup> 13710 and 13711 of this title, funds made available pursuant to this section shall be used only to carry out the purposes described in section 13702(a) of this title.

**(2) Nonsupplanting requirement**

Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

**(3) Administrative costs**

Not more than 3 percent of the funds that remain available after carrying out sections 13709, 13710, and 13711 of this title shall be available to the Attorney General for purposes of—

- (A) administration;
- (B) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this part;
- (C) technical assistance relating to the use of grant funds, and development and implementation of sentencing reforms implemented pursuant to this part; and
- (D) data collection and improvement of information systems relating to the confinement of violent offenders and other sentencing and correctional matters.

**(4) Carryover of appropriations**

Funds appropriated pursuant to this section during any fiscal year shall remain available until expended. Funds obligated, but subsequently unspent and deobligated, may remain available, to the extent as may<sup>2</sup> provided in appropriations Acts, for the purpose described in section 13702(a)(4) of this title for any subsequent fiscal year. The further obligation of such funds by an official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

**(5) Matching funds**

The Federal share of a grant received under this part may not exceed 90 percent of the costs of a proposal as described in an application approved under this part.

(Pub. L. 103-322, title II, § 20108, as added Pub. L. 104-134, title I, § 101[(a)] [title I, § 114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-19; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327; amended Pub. L. 110-199, title I, § 104(b), Apr. 9, 2008, 122 Stat. 669.)

<sup>1</sup> So in original. Probably should be "sections".

<sup>2</sup> So in original. Probably should be followed by "be".

PRIOR PROVISIONS

A prior section 13708, Pub. L. 103-322, title II, § 20108, Sept. 13, 1994, 108 Stat. 1818, defined terms in this part prior to the general amendment of this part by Pub. L. 104-134.

AMENDMENTS

2008—Subsec. (b)(4). Pub. L. 110-199 inserted at end "Funds obligated, but subsequently unspent and deobligated, may remain available, to the extent as may provided in appropriations Acts, for the purpose described in section 13702(a)(4) of this title for any subsequent fiscal year. The further obligation of such funds by an official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch."

CONSTRUCTION OF 2008 AMENDMENT

For construction of amendments by Pub. L. 110-199 and requirements for grants made under such amendments, see section 17504 of this title.

**§ 13709. Payments for incarceration on tribal lands**

**(a) Reservation of funds**

Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve \$35,000,000 for each of fiscal years 2011 through 2015 to carry out this section.

**(b) Grants to Indian tribes**

**(1) In general**

From the amounts reserved under subsection (a), the Attorney General shall provide grants—

- (A) to Indian tribes for purposes of—
  - (i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;
  - (ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and
  - (iii) developing and implementing alternatives to incarceration in tribal jails;

(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

**(2) Priority of funding**

in<sup>1</sup> providing grants under this subsection, the Attorney General shall take into consideration applicable—

- (A) reservation crime rates;
- (B) annual tribal court convictions; and
- (C) bed space needs.

**(3) Federal share**

Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any ac-

<sup>1</sup> So in original. Probably should be capitalized.

tivity carried out using a grant under this subsection shall be 100 percent.

**(c) Applications**

To be eligible to receive a grant under this section, an Indian tribe or consortium of Indian tribes, as applicable, shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

**(d) Long-term plan**

Not later than 1 year after July 29, 2010, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

(1) a description of proposed activities for—

(A) construction, operation, and maintenance of juvenile (in accordance with section 2453(a)(3) of title 25) and adult detention facilities (including regional facilities) in Indian country;

(B) contracting with State and local detention centers, on approval of the affected tribal governments; and

(C) alternatives to incarceration, developed in cooperation with tribal court systems;

(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

(3) any other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.

(Pub. L. 103-322, title II, §20109, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-20; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; amended Pub. L. 111-211, title II, §244, July 29, 2010, 124 Stat. 2294.)

PRIOR PROVISIONS

A prior section 13709, Pub. L. 103-322, title II, §20109, Sept. 13, 1994, 108 Stat. 1818, authorized appropriations to carry out this part prior to the general amendment of this part by Pub. L. 104-134.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, §244(a), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “Notwithstanding any other provision of this part other than section 13708(a)(2) of this title, from amounts appropriated to carry out sections 13703 and 13704 of this title, the Attorney General shall reserve, to carry out this section—

“(1) 0.3 percent in each of fiscal years 1996 and 1997; and

“(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.”

Subsec. (b). Pub. L. 111-211, §244(b)(1), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “From the amounts reserved under subsection (a) of this section, the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.”

Subsec. (c). Pub. L. 111-211, §244(b)(2), inserted “or consortium of Indian tribes, as applicable,” after “Indian tribe”.

Subsec. (d). Pub. L. 111-211, §244(b)(3), added subsec. (d).

**§ 13710. Payments to eligible States for incarceration of criminal aliens**

**(a) In general**

The Attorney General shall make a payment to each State which is eligible under section 1252(j)<sup>1</sup> of title 8 in such amount as is determined under section 1252(j)<sup>1</sup> of title 8, and for which payment is not made to such State for such fiscal year under such section.

**(b) Authorization of appropriations**

Notwithstanding any other provision of this part, there are authorized to be appropriated to carry out this section from amounts authorized under section 13708 of this title, an amount which when added to amounts appropriated to carry out section 1252(j)<sup>1</sup> of title 8 for fiscal year 1996 equals \$500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed \$650,000,000.

**(c) Administration**

The amounts appropriated to carry out this section shall be reserved from the total amount appropriated for each fiscal year and shall be added to the other funds appropriated to carry out section 1252(j)<sup>1</sup> of title 8 and administered under such section.

**(d) Report to Congress**

Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

(Pub. L. 103-322, title II, §20110, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

Section 1252(j) of title 8, referred to in subsecs. (a) to (c), was redesignated section 1231(i) of title 8 by Pub. L. 104-208, div. C, title III, §306(a)(1), Sept. 30, 1996, 110 Stat. 3009-607.

**§ 13711. Support of Federal prisoners in non-Federal institutions**

**(a) In general**

The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18.

**(b) Authorization of appropriations**

Notwithstanding any other provision of this part other than section 13708(a)(2) of this title, there are authorized to be appropriated from amounts authorized under section 13708 of this title for each of fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

(Pub. L. 103-322, title II, §20111, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-21; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

<sup>1</sup> See References in Text note below.