

may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

(C) in an aggregate amount of more than \$1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional \$500,000.

(4) Distribution

In making grants under this subsection, the Director shall ensure that—

(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

(5) Federal share

(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

(B) The requirement of subparagraph (A)—

- (i) may be satisfied in cash or in kind; and
- (ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

(6) Supplement, not supplant

To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.

(Pub. L. 90-351, title I, §104, as added Pub. L. 109-162, title XI, §1121(a), Jan. 5, 2006, 119 Stat. 3104.)

CODIFICATION

Section was formerly classified to section 3712b of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

EFFECTIVE DATE

Section effective with respect to appropriations for fiscal year 2007 and for each fiscal year thereafter, see section 1121(c) of Pub. L. 109-162, set out as a note under section 10103 of this title.

§ 10105. Inclusion of Indian tribes

For purposes of sections 10103 and 10104 of this title, the term “State” includes an Indian tribal government.

(Pub. L. 90-351, title I, §105, as added Pub. L. 109-162, title XI, §1121(a), Jan. 5, 2006, 119 Stat. 3107.)

CODIFICATION

Section was formerly classified to section 3712c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Another section 105 of Pub. L. 90-351 was renumbered section 109 and is classified to section 10109 of this title.

EFFECTIVE DATE

Section effective with respect to appropriations for fiscal year 2007 and for each fiscal year thereafter, see section 1121(c) of Pub. L. 109-162, set out as a note under section 10103 of this title.

§ 10106. Community Capacity Development Office

(a) Establishment

(1) In general

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

(2) Purpose

The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 10103(b)¹ of this title to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

(3) Exclusivity

The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before January 5, 2006, by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

(b) Means

The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

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

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

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

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

(5) Any other similar means.

(c) Locations

Training referred to in subsection (a) shall be provided on a regional basis to groups of such

¹ See References in Text Note below.

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

(d) Best practices

The Director shall—

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

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

(e) Availability of funds

not² to exceed 3 percent of all funding made available for a fiscal year for the programs covered by section 10103(b)¹ of this title shall be reserved for the Community Capacity Development Office for the activities authorized by this section.

(Pub. L. 90-351, title I, §106, as added Pub. L. 109-162, title XI, §1159(a), Jan. 5, 2006, 119 Stat. 3116; amended Pub. L. 109-271, §8(f), Aug. 12, 2006, 120 Stat. 766.)

REFERENCES IN TEXT

Section 10103(b) of this title, referred to in subsecs. (a)(2) and (e), probably should be a reference to section 10109(b) of this title because section 10103(b) relates to Director assistance and section 10109(b) specifically sets out covered programs.

January 5, 2006, referred to in subsec. (a)(3), was in the original “the date of the enactment of this Act” and was translated as meaning the date of enactment of Pub. L. 109-162, which enacted this section, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 3712e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

AMENDMENTS

2006—Subsecs. (a)(2), (e). Pub. L. 109-217 substituted “section 3712a(b)” for “section 3712d(b)”.

EFFECTIVE DATE

Pub. L. 109-162, title XI, §1159(b), Jan. 5, 2006, 119 Stat. 3117, provided that: “This section [enacting this section] and the amendment made by this section take effect 90 days after the date of the enactment of this Act [Jan. 5, 2006].”

§ 10107. Division of Applied Law Enforcement Technology

(a) Establishment

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

(b) Duties

In carrying out the purpose of the Division, the head of the Division shall—

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

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

(Pub. L. 90-351, title I, §107, as added Pub. L. 109-162, title XI, §1160(a), Jan. 5, 2006, 119 Stat. 3117.)

CODIFICATION

Section was formerly classified to section 3712f of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

EFFECTIVE DATE

Pub. L. 109-162, title XI, §1160(b), Jan. 5, 2006, 119 Stat. 3117, as amended by Pub. L. 109-271, §8(n)(4)(A), Aug. 12, 2006, 120 Stat. 768, provided that: “This section [enacting this section] and the amendment made by this section take effect on October 1, 2006.”

§ 10108. Availability of funds

(a) Period for awarding grant funds

(1) In general

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

(2) Treatment of reprogrammed funds

DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

(3) Treatment of deobligated funds

If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

(b) Period for expending grant funds

DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall be deobligated.

(c) Definition

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

(d) Applicability

This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.

(Pub. L. 90-351, title I, §108, as added Pub. L. 109-162, title XI, §1161(a), Jan. 5, 2006, 119 Stat. 3118; amended Pub. L. 109-271, §8(g), Aug. 12, 2006, 120 Stat. 767.)

² So in original. Probably should be capitalized.