

rier” for “State or unit of local government” and inserted “, including railroad police officers” before semicolon at end.

Subsec. (a)(3). Pub. L. 106-110, §1(a)(2), substituted “State, unit of local government, or rail carrier” for “State or unit of local government”, “State or such unit”, and “State or unit” and inserted “railroad police officer,” after “deputies.”.

Subsecs. (d), (e). Pub. L. 106-110, §1(b), (c), added subsecs. (d) and (e).

EFFECTIVE DATE

Section effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98-473, set out as a note under section 10101 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

EMPLOYMENT OF ANNUITANTS BY FEDERAL LAW ENFORCEMENT TRAINING CENTER

Pub. L. 107-206, title I, §1202, Aug. 2, 2002, 116 Stat. 887, as amended by Pub. L. 109-295, title IV, Oct. 4, 2006, 120 Stat. 1374; Pub. L. 110-161, div. E, title IV, Dec. 26, 2007, 121 Stat. 2068; Pub. L. 110-329, div. D, title IV, Sept. 30, 2008, 122 Stat. 3677; Pub. L. 111-83, title IV, Oct. 28, 2009, 123 Stat. 2166; Pub. L. 112-74, div. D, title IV, Dec. 23, 2011, 125 Stat. 966; Pub. L. 113-6, div. D, title IV, Mar. 26, 2013, 127 Stat. 364; Pub. L. 113-76, div. F, title IV, Jan. 17, 2014, 128 Stat. 266; Pub. L. 114-4, title IV, Mar. 4, 2015, 129 Stat. 59; Pub. L. 114-113, div. F, title IV, Dec. 18, 2015, 129 Stat. 2509, provided that:

“(a) The Federal Law Enforcement Training Center may, for a period ending not later than December 31, 2018, appoint and maintain a cadre of up to 350 Federal annuitants: (1) without regard to any provision of title 5, United States Code, which might otherwise require the application of competitive hiring procedures; and (2) who shall not be subject to any reduction in pay (for annuity allocable to the period of actual employment) under the provisions of section 8344 or 8468 of such title 5 or similar provision of any other retirement system for employees. A reemployed Federal annuitant as to whom a waiver of reduction under paragraph (2) applies shall not, for any period during which such waiver is in effect, be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or such other retirement system (referred to in paragraph (2)) as may apply.

“(b) No appointment under this section may be made which would result in the displacement of any employee.

“(c) For purposes of this section—

“(1) the term ‘Federal annuitant’ means an employee who has retired under the Civil Service Retirement System, the Federal Employees’ Retirement System, or any other retirement system for employees;

“(2) the term ‘employee’ has the meaning given such term by section 2105 of such title 5; and

“(3) the counting of Federal annuitants shall be done on a full time equivalent basis.”

ANNUAL OUTSTANDING STUDENT AWARD

Pub. L. 107-67, title I, Nov. 12, 2001, 115 Stat. 516, and similar provisions authorizing the Federal Law Enforcement Training Center to use gifts of property for authorized purposes, including funding of an annual gift to the outstanding student who graduated from a basic training program at the Center during the pre-

vious fiscal year, were transferred to a note set out under section 464 of Title 6, Domestic Security.

TRAVEL AND SUBSISTENCE EXPENSES OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS ATTENDING MEETINGS, COURSES, ETC., AT FBI NATIONAL ACADEMY

Pub. L. 99-500, §101(b) [title II], Oct. 18, 1986, 100 Stat. 1783-39, 1783-48, and Pub. L. 99-591, §101(b) [title II], Oct. 30, 1986, 100 Stat. 3341-39, 3341-48, provided that: “Notwithstanding section 1345 of title 31, United States Code, funds made available to the Drug Enforcement Administration in any fiscal year may be used for travel, transportation, and subsistence expenses of State, county, and local law enforcement officers attending conferences, meetings, and training courses at the FBI Academy, Quantico, Virginia.”

FEES TO PROVIDE TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT OFFICERS AT FBI NATIONAL ACADEMY; PROHIBITION; REIMBURSEMENT

Pub. L. 99-500, §101(b) [title II, §210], Oct. 18, 1986, 100 Stat. 1783-39, 1783-56, and Pub. L. 99-591, §101(b) [title II, §210], Oct. 30, 1986, 100 Stat. 3341-39, 3341-56, provided that: “The Director of the Federal Bureau of Investigation and the Administrator of the Drug Enforcement Administration shall not establish and collect fees to provide training to State and local law enforcement officers at the FBI National Academy. Any fees collected for training of State and local law enforcement officers, which occurred at the National Academy on or after October 1, 1986, shall be reimbursed to the appropriate official or agency. In addition, the Director of the National Institute of Corrections shall not establish and collect fees to provide training to State and local officers which was not provided on a reimbursable basis prior to October 1, 1986.”

SUBCHAPTER VII—ADMINISTRATIVE PROVISIONS

§ 10221. Rules, regulations, and procedures; consultations and establishment

(a) General authorization of certain Federal agencies

The Office of Justice Programs, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purposes of this chapter.

(b) Continuing evaluation of selected programs or projects; cost, effectiveness, impact value, and comparative considerations; annual performance report; assessment of activity effectiveness; suspension of funds for nonsubmission of report

The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to subchapters V, XII, XIII, XIV, and XX, in order to determine—

(1) whether such programs or projects have achieved the performance goals stated in the

original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal justice system;

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

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

(4) their impact on communities and participants; and

(5) their implication for related programs.

In conducting evaluations described in this subsection, the Bureau of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants. The Bureau of Justice Assistance shall also require applicants under part A of subchapter V to submit an annual performance report concerning activities carried out pursuant to part A of subchapter V together with an assessment by the applicant of the effectiveness of those activities in achieving the purposes of such part A and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pursuant to section 10153 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence). The Bureau shall suspend funding for an approved application under part A of subchapter V if an applicant fails to submit such an annual performance report.

(c) Procedures for paperwork minimization and prevention of duplication and delays in award and expenditure of funds

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

(Pub. L. 90-351, title I, §801, formerly §802, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1201; renumbered §801 and amended Pub. L. 98-473, title II, §609B(b), Oct. 12, 1984, 98 Stat. 2091; Pub. L. 99-570, title I, §1552(b)(2), Oct. 27, 1986, 100 Stat. 3207-46; Pub. L. 101-647, title II, §241(b)(2), title VIII, §801(c)(1), Nov. 29, 1990, 104 Stat. 4813, 4826; Pub. L. 103-322, title IV, §40231(d)(1), title XXXIII, §330001(h)(7), Sept. 13, 1994, 108 Stat. 1934, 2139; Pub. L. 109-162, title XI, §1111(c)(2)(D), Jan. 5, 2006, 119 Stat. 3102.)

CODIFICATION

Section was formerly classified to section 3782 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.

Another section 801 of Pub. L. 90-351, title III, June 19, 1968, 82 Stat. 211, is set out as a note under section 2510 of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 801 of Pub. L. 90-351 was classified to section 3781 of Title 42, The Public Health and Welfare, prior to repeal by section 609B(a) of Pub. L. 98-473.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-162 substituted “the purposes of such part A” for “the purposes of section 3751 of this title” and “the application submitted pursuant to section 3752 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence)” for “the application submitted pursuant to section 3753 of this title” in concluding provisions.

1994—Subsec. (b). Pub. L. 103-322, in introductory provisions substituted “subchapters” for “subchapters IV,” and “XII-C, and XII-I” for “and XII-C”, and in concluding provisions substituted “part A of subchapter V” for “subchapter IV” wherever appearing, “3751” for “3743(a)”, and “3753” for “3743”.

1990—Subsec. (b). Pub. L. 101-647, §801(c)(1), substituted “XII-B, and XII-C” for “and XII-B”.

Pub. L. 101-647, §241(b)(2), substituted “XII-A, and XII-B” for “and XII-A”.

1986—Subsec. (b). Pub. L. 99-570 inserted reference to subchapter XII-A of this chapter in introductory provisions.

1984—Subsec. (a). Pub. L. 98-473 in amending subsec. (a) generally, substituted “Office of Justice Programs” for “Office of Justice Assistance, Research, and Statistics” and “Bureau of Justice Assistance” for “Law Enforcement Assistance Administration” and also included authority for the Office of Juvenile Justice and Delinquency Prevention to establish rules, regulations, and procedures for exercise of its functions.

Subsec. (b). Pub. L. 98-473 in amending subsec. (b) generally, substituted “Bureau of Justice Assistance” for “Law Enforcement Assistance Administration” wherever appearing; provided for consultations with the Office of Juvenile Justice and Delinquency Prevention; and struck out provisions respecting: rules, regulations, and procedures affecting national priority grant programs or projects; evaluations in addition to the requirements of former sections 3743 and 3744 of this title; and requirement for comparison of effectiveness of formula grant programs or projects of States or local units of government with similar national priority and discretionary grant programs or projects.

Subsec. (c). Pub. L. 98-473 in amending section generally, reenacted subsec. (c) without change.

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 10151 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98-473, set out as an Effective Date note under section 10101 of this title.

§ 10222. Notice and hearing on denial or termination of grant

Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, the Bureau of Justice Assistance, the National Institute of Justice, and the Bureau of Justice Statistics finds that a recipient of assistance under this chapter has failed to comply substantially with—

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

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

(Pub. L. 90-351, title I, §802, formerly §803, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1202; renumbered §802 and amended Pub. L. 98-473, title II, §609B(b), Oct. 12, 1984, 98 Stat. 2092; Pub. L. 99-570, title I, §1552(b)(3), Oct. 27, 1986, 100 Stat. 3207-46; Pub. L. 101-647, title II, §241(b)(3), title VIII, §801(c)(2), Nov. 29, 1990, 104 Stat. 4813, 4826; Pub. L. 103-322, title IV, §40231(d)(2), title XXXIII, §330001(c), (h)(8), Sept. 13, 1994, 108 Stat. 1934, 2138, 2139; Pub. L. 107-273, div. C, title I, §11012, Nov. 2, 2002, 116 Stat. 1823; Pub. L. 109-162, title XI, §1155(1), Jan. 5, 2006, 119 Stat. 3113.)

CODIFICATION

Section was formerly classified to section 3783 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.

Another section 802 of Pub. L. 90-351, title III, June 19, 1968, 82 Stat. 212-223, enacted sections 2510 to 2520 of Title 18, Crimes and Criminal Procedure.

PRIOR PROVISIONS

A prior section 802 of Pub. L. 90-351 was renumbered section 801 and is classified to section 10221 of this title.

AMENDMENTS

2006—Pub. L. 109-162 struck out subsec. (a) designation before “Whenever, after reasonable notice”, struck out subsec. (b) which related to notice of and reasons for action, hearing or investigation, and finality of findings and determinations, and struck out subsec. (c) which related to rehearing, regulations and procedures, and presentation of additional information.

2002—Subsec. (b). Pub. L. 107-273, which directed amendment of subsec. (b) by substituting “T,” for “U,” in the original, was executed by substituting “XII-H” for “XII-I” in text to reflect the probable intent of Congress, notwithstanding that “U” was not followed by a comma in the original.

1994—Subsec. (b). Pub. L. 103-322 substituted “part A of subchapter V of this chapter or under subchapter XII-A, XII-B, XII-C, or XII-I” for “subchapter IV, XII-A., XII-B, or XII-C”.

1990—Subsec. (b). Pub. L. 101-647, §801(c)(2), substituted “, XII-B, or XII-C” for “or XII-B”.

Pub. L. 101-647, §241(b)(3), substituted “, XII-A, or XII-B” for “or XII-A”.

1986—Subsec. (b). Pub. L. 99-570 inserted reference to subchapter XII-A of this chapter.

1984—Subsec. (a). Pub. L. 98-473 in amending subsec. (a) generally, included provision for finding of non-compliance by the Bureau of Justice Assistance and excluded similar provision for Law Enforcement Assistance Administration, substituted “the Director involved shall, until satisfied that there is no longer any such failure to comply,” for “they, until satisfied that there is no longer any such failure to comply, shall—”, and struck out designations “(A)” before “terminate payment”, “(B)” before “reduce payments”, and “(C)” before “limit the availability of payments”.

Subsec. (b). Pub. L. 98-473 in amending subsec. (b) generally, substituted “If any grant application submitted under subchapter IV of this chapter has been denied, or any grant under this chapter has been terminated” for “If a State grant application filed under subchapter IV of this chapter or any grant application filed under any other subchapter of this chapter has been rejected or a State applicant under subchapter IV of this chapter or applicant under any other subchapter of this chapter has been denied a grant or has had a grant, or any portion of a grant, discontinued, terminated or has been given a grant in a lesser amount that such applicant believes appropriate under the provisions of this chapter” struck out “or grantee” after “notify the applicant” and before “requests a hearing”; substituted requirement for notice by the Bureau of Justice Assistance rather than the Law Enforcement Assistance Administration; and inserted provisions for taking final action without hearing but requiring a more detailed statement of reasons for agency action to be made available to the applicant.

Subsec. (c). Pub. L. 98-473 in amending subsec. (c) generally, substituted provisions for findings and hearings by the Bureau of Justice Assistance for similar provisions for Law Enforcement Assistance Administration; and substituted description of the party as “applicant” for prior designation as “recipient”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98-473, set out as an Effective Date note under section 10101 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 10142(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 10141 of this title.

§ 10223. Finality of determinations

In carrying out the functions vested by this chapter in the Bureau of Justice Assistance, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall be final and conclusive upon all applications.

(Pub. L. 90-351, title I, §803, formerly §804, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1203; renumbered §803 and amended Pub. L. 98-473, title II, §609B(c), (f), Oct. 12, 1984, 98 Stat. 2093; Pub. L. 109-162, title XI, §1155(2), Jan. 5, 2006, 119 Stat. 3113.)

CODIFICATION

Section was formerly classified to section 3784 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

Another section 803 of Pub. L. 90-351, title III, June 19, 1968, 82 Stat. 223, amended section 605 of Title 47, Telecommunications.