

§ 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 rehearings 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.