

lent crime, the State may use funds received under this part to build or expand juvenile correctional facilities or pretrial detention facilities for juvenile offenders.

**(d) Private facilities**

A State may use funds received under this part for the privatization of facilities to carry out the purposes of section 12102 of this title.

**(e) “Part 1 violent crime” defined**

For purposes of this part, “part 1 violent crime” means a part 1 violent crime as defined in section 12101(3)<sup>1</sup> of this title, or a crime in a reasonably comparable class of serious violent crimes as approved by the Attorney General.

(Pub. L. 103-322, title II, §20105, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-17; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327; amended Pub. L. 105-277, div. E, §3, Oct. 21, 1998, 112 Stat. 2681-760; Pub. L. 107-273, div. A, title III, §307, Nov. 2, 2002, 116 Stat. 1783.)

CODIFICATION

Section was formerly classified to section 13705 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.

PRIOR PROVISIONS

A prior section 20105 of Pub. L. 103-322, title II, Sept. 13, 1994, 108 Stat. 1818, related to rules and regulations prior to the general amendment of subtitle A of title II of Pub. L. 103-322 by Pub. L. 104-134.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-273 substituted “Use of truth-in-sentencing and violent offender incarceration grants” for “Additional requirements” in heading and amended text generally, substituting provisions relating to use of funds for juveniles in adult prisons or under the jurisdiction of an adult criminal court for provisions relating to additional requirements for grant eligibility.

1998—Subsec. (b). Pub. L. 105-277 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “To be eligible to receive a grant under section 13703 or 13704 of this title, a State shall provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after April 26, 1996, policies that provide for the recognition of the rights and needs of crime victims.”

**§ 12106. Formula for grants**

**(a) Allocation of violent offender incarceration grants under section 12103**

**(1) Formula allocation**

85 percent of the amount available for grants under section 12103 of this title for any fiscal year shall be allocated as follows (except that a State may not receive more than 9 percent of the total amount of funds made available under this paragraph):

(A) 0.75 percent shall be allocated to each State that meets the requirements of section 12103(a) of this title, except that the United States Virgin Islands, American

Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under section 12103(a) of this title, shall each be allocated 0.05 percent.

(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 12103(b) of this title, in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 12103(b) of this title to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

**(2) Additional allocation**

15 percent of the amount available for grants under section 12103 of this title for any fiscal year shall be allocated to each State that meets the requirements of section 12103(c) of this title as follows:

(A) 3.0 percent shall be allocated to each State that meets the requirements of section 12103(c) of this title, except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under such subsection, shall each be allocated 0.03 percent.

(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 12103(c) of this title, in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 12102(c) of this title to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

**(b) Allocation of truth-in-sentencing grants under section 12104**

The amounts available for grants for section 12104 of this title shall be allocated to each State that meets the requirements of section 12104 of this title in the ratio that the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 12104 of this title to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.

**(c) Unavailable data**

If data regarding part 1 violent crimes in any State is substantially inaccurate or is unavailable for the 3 years preceding the year in which the determination is made, the Attorney Gen-

<sup>1</sup> So in original. Probably should be section “12101(2)”.

eral shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this part.

**(d) Regional compacts**

In determining the amount of funds that States organized as a regional compact may receive, the Attorney General shall first apply the formula in either subsection (a) or (b) and (c) of this section to each member State of the compact. The States organized as a regional compact may receive the sum of the amounts so determined.

(Pub. L. 103-322, title II, §20106, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-18; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

CODIFICATION

Section was formerly classified to section 13706 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 20106 of Pub. L. 103-322, title II, Sept. 13, 1994, 108 Stat. 1818, related to technical assistance and training prior to the general amendment of subtitle A of title II of Pub. L. 103-322 by Pub. L. 104-134.

**§ 12107. Accountability**

**(a) Fiscal requirements**

A State that receives funds under this part shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 12102(a) of this title shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

**(b) Administrative provisions**

The administrative provisions of sections 10221 and 10222 of this title shall apply to the Attorney General under this part in the same manner that such provisions apply to the officials listed in such sections.

(Pub. L. 103-322, title II, §20107, 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.)

CODIFICATION

Section was formerly classified to section 13707 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 20107 of Pub. L. 103-322, title II, Sept. 13, 1994, 108 Stat. 1818, related to evaluation of programs prior to the general amendment of subtitle A of title II of Pub. L. 103-322 by Pub. L. 104-134.

**§ 12108. Authorization of appropriations**

**(a) In general**

**(1) Authorizations**

There are authorized to be appropriated to carry out this part—

- (A) \$997,500,000 for fiscal year 1996;
- (B) \$1,330,000,000 for fiscal year 1997;

- (C) \$2,527,000,000 for fiscal year 1998;
- (D) \$2,660,000,000 for fiscal year 1999; and
- (E) \$2,753,100,000 for fiscal year 2000.

**(2) Distribution**

**(A) In general**

Of the amounts remaining after the allocation of funds for the purposes set forth under sections 12110, 12111, and 12109 of this title, the Attorney General shall, from amounts authorized to be appropriated under paragraph (1) for each fiscal year, distribute 50 percent for incarceration grants under section 12103 of this title, and 50 percent for incentive grants under section 12104 of this title.

**(B) Distribution of minimum amounts**

The Attorney General shall distribute minimum amounts allocated for section 12103(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 12103 of this title or a Truth-in-Sentencing Incentive grant under section 12104 of this title.

**(b) Limitations on funds**

**(1) Uses of funds**

Except as provided in section<sup>1</sup> 12110 and 12111 of this title, funds made available pursuant to this section shall be used only to carry out the purposes described in section 12102(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 12109, 12110, and 12111 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

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

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