

**Editorial Notes**

## CODIFICATION

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

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Pub. L. 109-162, title XI, §1121(c), Jan. 5, 2006, 119 Stat. 3107, as amended by Pub. L. 109-271, §8(n)(1), Aug. 12, 2006, 120 Stat. 767, provided that: “This section [enacting this section and sections 10104 and 10105 of this title and provisions set out as a note below] and the amendments made by this section take effect with respect to appropriations for fiscal year 2007 and for each fiscal year thereafter.”

## ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS

Pub. L. 109-162, title XI, §1121(b), Jan. 5, 2006, 119 Stat. 3107, provided that:

“(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

“(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act [Jan. 5, 2006] by the Executive Office of Weed and Seed Strategies.”

**§ 10104. Weed and Seed strategies****(a) In general**

From amounts made available under section 10103(c) of this title, the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

**(1) Weeding**

Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

**(2) Seeding**

Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

(B) community revitalization efforts, including enforcement of building codes and development of the economy.

**(b) Guidelines**

The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strat-

egy for a community referred to in subsection (a) shall—

(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

(A) in a voting capacity, representatives of—

(i) appropriate law enforcement agencies; and

(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

(B) in a voting capacity, both—

(i) the Drug Enforcement Administration’s special agent in charge for the jurisdiction encompassing the community; and

(ii) the United States Attorney for the District encompassing the community;

(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

**(c) Designation**

For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

(1) the United States Attorney for the District encompassing the community must certify to the Director that—

(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

(C) the steering committee is capable of implementing the strategy appropriately; and

(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

**(d) Application**

An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

(1) a sustainable Weed and Seed strategy that includes—

(A) the active involvement of the United States Attorney for the District encom-

passing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

(B) a significant community-oriented policing component; and

(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

**(e) Grants**

**(1) In general**

In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

**(2) Uses**

For each grant under this subsection, the community receiving that grant may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

**(3) Limitations**

A community may not receive grants under this subsection (or fall within such a community)—

(A) for a period of more than 10 fiscal years;

(B) for more than 5 separate fiscal years, except that the Assistant Attorney General 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 appli-

cant 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.)

**Editorial Notes**

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.

**Statutory Notes and Related Subsidiaries**

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.)

**Editorial Notes**

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.

**Statutory Notes and Related Subsidiaries**

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 partici-