

(iii) an identification of those institutions in the representative sample that appear to have been successful in deterring prison rape; and

(C) a listing of any prisons in the representative sample that did not cooperate with the survey conducted pursuant to this section.

**(3) Data adjustments**

In preparing the information specified in paragraph (2), the Attorney General shall use established statistical methods to adjust the data as necessary to account for differences among institutions in the representative sample, which are not related to the detection, prevention, reduction and punishment of prison rape, or which are outside the control of the State, prison, or prison system, in order to provide an accurate comparison among prisons. Such differences may include the mission, security level, size, and jurisdiction under which the prison operates. For each such adjustment made, the Attorney General shall identify and explain such adjustment in the report.

**(4) Categorization of prisons**

The report shall divide the prisons surveyed into three categories. One category shall be composed of all Federal and State prisons. The other two categories shall be defined by the Attorney General in order to compare similar institutions.

**(d) Contracts and grants**

In carrying out its duties under this section, the Attorney General may—

- (1) provide grants for research through the National Institute of Justice; and
- (2) contract with or provide grants to any other entity the Attorney General deems appropriate.

**(e) Authorization of appropriations**

There are authorized to be appropriated \$15,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

(Pub. L. 108–79, §4, Sept. 4, 2003, 117 Stat. 975; Pub. L. 109–108, title I, §113(a), Nov. 22, 2005, 119 Stat. 2305.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 15603 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2005—Subsec. (a)(5). Pub. L. 109–108, §113(a)(1), inserted “, except as authorized in paragraph (7)” before period at end.

Subsec. (a)(7). Pub. L. 109–108, §113(a)(2), added par. (7).

**§ 30304. Prison rape prevention and prosecution**

**(a) Information and assistance**

**(1) National clearinghouse**

There is established within the National Institute of Corrections a national clearinghouse

for the provision of information and assistance to Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

**(2) Training and education**

The National Institute of Corrections shall conduct periodic training and education programs for Federal, State, and local authorities responsible for the prevention, investigation, and punishment of instances of prison rape.

**(b) Reports**

**(1) In general**

Not later than September 30 of each year, the National Institute of Corrections shall submit a report to Congress and the Secretary of Health and Human Services. This report shall be available to the Director of the Bureau of Justice Statistics.

**(2) Contents**

The report required under paragraph (1) shall summarize the activities of the Department of Justice regarding prison rape abatement for the preceding calendar year.

**(c) Authorization of appropriations**

There are authorized to be appropriated \$5,000,000 for each of fiscal years 2004 through 2010 to carry out this section.

(Pub. L. 108–79, §5, Sept. 4, 2003, 117 Stat. 978.)

**Editorial Notes**

CODIFICATION

Section was formerly classified to section 15604 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 30305. Grants to protect inmates and safeguard communities**

**(a) Grants authorized**

From amounts made available for grants under this section, the Attorney General shall make grants to States to assist those States in ensuring that budgetary circumstances (such as reduced State and local spending on prisons) do not compromise efforts to protect inmates (particularly from prison rape) and to safeguard the communities to which inmates return. The purpose of grants under this section shall be to provide funds for personnel, training, technical assistance, data collection, and equipment to prevent and prosecute prisoner rape.

**(b) Use of grant amounts**

Amounts received by a grantee under this section may be used by the grantee, directly or through subgrants, only for one or more of the following activities:

**(1) Protecting inmates**

Protecting inmates by—

- (A) undertaking efforts to more effectively prevent prison rape;
  - (B) investigating incidents of prison rape;
- or
- (C) prosecuting incidents of prison rape.

**(2) Safeguarding communities**

Safeguarding communities by—

(A) making available, to officials of State and local governments who are considering reductions to prison budgets, training and technical assistance in successful methods for moderating the growth of prison populations without compromising public safety, including successful methods used by other jurisdictions;

(B) developing and utilizing analyses of prison populations and risk assessment instruments that will improve State and local governments' understanding of risks to the community regarding release of inmates in the prison population;

(C) preparing maps demonstrating the concentration, on a community-by-community basis, of inmates who have been released, to facilitate the efficient and effective—

(i) deployment of law enforcement resources (including probation and parole resources); and

(ii) delivery of services (such as job training and substance abuse treatment) to those released inmates;

(D) promoting collaborative efforts, among officials of State and local governments and leaders of appropriate communities, to understand and address the effects on a community of the presence of a disproportionate number of released inmates in that community; or

(E) developing policies and programs that reduce spending on prisons by effectively reducing rates of parole and probation revocation without compromising public safety.

**(c) Grant requirements**

**(1) Period**

A grant under this section shall be made for a period of not more than 2 years.

**(2) Maximum**

The amount of a grant under this section may not exceed \$1,000,000.

**(3) Matching**

The Federal share of a grant under this section may not exceed 50 percent of the total costs of the project described in the application submitted under subsection (d) for the fiscal year for which the grant was made under this section.

**(d) Applications**

**(1) In general**

To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

**(2) Contents**

Each application required by paragraph (1) shall—

(A)(i) include the certification of the chief executive that the State receiving such grant has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this chapter; or

(ii) demonstrate to the Attorney General, in such manner as the Attorney General

shall require, that the State receiving such grant is actively working to adopt and achieve full compliance with the national prison rape standards described in clause (i);

(B) specify with particularity the preventive, prosecutorial, or administrative activities to be undertaken by the State with the amounts received under the grant; and

(C) in the case of an application for a grant for one or more activities specified in paragraph (2) of subsection (b)—

(i) review the extent of the budgetary circumstances affecting the State generally and describe how those circumstances relate to the State's prisons;

(ii) describe the rate of growth of the State's prison population over the preceding 10 years and explain why the State may have difficulty sustaining that rate of growth; and

(iii) explain the extent to which officials (including law enforcement officials) of State and local governments and victims of crime will be consulted regarding decisions whether, or how, to moderate the growth of the State's prison population.

**(e) Reports by grantee**

**(1) In general**

The Attorney General shall require each grantee to submit, not later than 90 days after the end of the period for which the grant was made under this section, a report on the activities carried out under the grant. The report shall identify and describe those activities and shall contain an evaluation of the effect of those activities on—

(A) the number of incidents of prison rape, and the grantee's response to such incidents; and

(B) the safety of the prisons, and the safety of the communities in which released inmates are present.

**(2) Dissemination**

The Attorney General shall ensure that each report submitted under paragraph (1) is made available under the national clearinghouse established under section 30304 of this title.

**(f) State defined**

In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

**(g) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated for grants under this section \$40,000,000 for each of fiscal years 2004 through 2010.

**(2) Limitation**

Of amounts made available for grants under this section, not less than 50 percent shall be available only for activities specified in paragraph (1) of subsection (b).

(Pub. L. 108-79, §6, Sept. 4, 2003, 117 Stat. 978; Pub. L. 114-324, §7(1), Dec. 16, 2016, 130 Stat. 1951.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 15605 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2016—Subsec. (d)(2)(A). Pub. L. 114-324 added subpar. (A) and struck out former subpar. (A) which read as follows: “include the certification of the chief executive that the State receiving such grant—

“(i) has adopted all national prison rape standards that, as of the date on which the application was submitted, have been promulgated under this chapter; and

“(ii) will consider adopting all national prison rape standards that are promulgated under this chapter after such date;”.

**§ 30306. National Prison Rape Elimination Commission****(a) Establishment**

There is established a commission to be known as the National Prison Rape Elimination Commission (in this section referred to as the “Commission”).

**(b) Members****(1) In general**

The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

**(2) Persons eligible**

Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

**(3) Consultation required**

The President, the Speaker and minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult with one another prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

**(4) Term**

Each member shall be appointed for the life of the Commission.

**(5) Time for initial appointments**

The appointment of the members shall be made not later than 60 days after September 4, 2003.

**(6) Vacancies**

A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later than 60 days after the date on which the vacancy occurred.

**(c) Operation****(1) Chairperson**

Not later than 15 days after appointments of all the members are made, the President shall appoint a chairperson for the Commission from among its members.

**(2) Meetings**

The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the initial appointment of the members is completed.

**(3) Quorum**

A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

**(4) Rules**

The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this chapter or other applicable law.

**(d) Comprehensive study of the impacts of prison rape****(1) In general**

The Commission shall carry out a comprehensive legal and factual study of the penological, physical, mental, medical, social, and economic impacts of prison rape in the United States on—

(A) Federal, State, and local governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and social institutions.

**(2) Matters included**

The study under paragraph (1) shall include—

(A) a review of existing Federal, State, and local government policies and practices with respect to the prevention, detection, and punishment of prison rape;

(B) an assessment of the relationship between prison rape and prison conditions, and of existing monitoring, regulatory, and enforcement practices that are intended to address any such relationship;

(C) an assessment of pathological or social causes of prison rape;

(D) an assessment of the extent to which the incidence of prison rape contributes to the spread of sexually transmitted diseases and to the transmission of HIV;