

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

**(4) Deadline**

An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

**(5) Grant amount**

A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

**(6) Report**

Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

**(7) Authorization of appropriations**

There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010, 2011, and 2012.

(Pub. L. 111-84, div. E, §4704, Oct. 28, 2009, 123 Stat. 2837.)

CODIFICATION

Section was enacted as part of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and also as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

DEFINITIONS

Pub. L. 111-84, div. E, §4703(b), Oct. 28, 2009, 123 Stat. 2836, provided that: “In this division [enacting this section and section 3716a of this title and sections 249 and 1389 of Title 18, Crimes and Criminal Procedure, amending section 249 of Title 18, enacting provisions set out as notes under sections 1 and 249 of Title 18, and amending provisions set out as a note under section 534 and provisions listed in a table relating to sentencing guidelines set out under section 994, of Title 28, Judiciary and Judicial Procedure]—

“(1) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18, United States Code;

“(2) the term ‘hate crime’ has the meaning given that term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 2096), as amended by this Act [enacting provisions listed in a table relating to sentencing guidelines set out under section 994 of Title 28, Judiciary and Judicial Procedure];

“(3) the term ‘local’ means a county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

“(4) the term ‘State’ includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.”

**§ 3716a. Grant program**

**(a) Authority to award grants**

The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal pro-

grams designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

**(b) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 111-84, div. E, §4705, Oct. 28, 2009, 123 Stat. 2838.)

CODIFICATION

Section was enacted as part of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and also as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of title I of the Omnibus Crime Control and Safe Streets Act of 1968 which comprises this chapter.

DEFINITIONS

For definitions of terms used in this section, see section 4703(b) of Pub. L. 111-84, set out as a note under section 3716 of this title.

SUBCHAPTER II—NATIONAL INSTITUTE OF JUSTICE

**§ 3721. Statement of purpose**

It is the purpose of this subchapter to establish a National Institute of Justice, which shall provide for and encourage research and demonstration efforts for the purpose of—

- (1) improving Federal, State, and local criminal justice systems and related aspects of the civil justice system;
- (2) preventing and reducing crimes;
- (3) insuring citizen access to appropriate dispute-resolution forums; and
- (4) identifying programs of proven effectiveness, programs having a record of proven success, or programs which offer a high probability of improving the functioning of the criminal justice system.

The Institute shall have authority to engage in and encourage research and development to improve and strengthen the criminal justice system and related aspects of the civil justice system and to disseminate the results of such efforts to Federal, State, and local governments, to evaluate the effectiveness of programs funded under this chapter, to develop and demonstrate new or improved approaches and techniques, to improve and strengthen the administration of justice, and to identify programs or projects carried out under this chapter which have demonstrated success in improving the quality of justice systems and which offer the likelihood of success if continued or repeated. In carrying out the provisions of this subchapter, the Institute shall give primary emphasis to the problems of State and local justice systems and shall insure that there is a balance between basic and applied research.

(Pub. L. 90-351, title I, §201, as added Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1172; amended Pub. L. 98-473, title II, §604(a), Oct. 12, 1984, 98 Stat. 2078.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 90-351, as added

by Pub. L. 96-157, §2, Dec. 27, 1979, 93 Stat. 1167, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

#### PRIOR PROVISIONS

A prior section 3721, Pub. L. 90-351, title I, §201, June 19, 1968, 82 Stat. 198; Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 197; Pub. L. 94-503, title I, §104, Oct. 15, 1976, 90 Stat. 2408, set out Congressional statement of purpose in providing for a program of planning grants, prior to the general amendment of this chapter by Pub. L. 96-157.

#### AMENDMENTS

1984—Pub. L. 98-473 redesignated par. (5) as (4), struck out former par. (4) relating to improvement of efforts to detect, investigate, prosecute, and otherwise combat and prevent white-collar crime and public corruption, and in closing provisions struck out “to develop alternatives to judicial resolution of disputes,” after “local governments,” and inserted “and demonstrate” after “to develop”.

#### 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 3711 of this title.

#### NATIONAL TRAINING PROGRAM FOR STATE AND LOCAL PROSECUTORS

Pub. L. 110-424, Oct. 15, 2008, 122 Stat. 4819, provided that:

##### “SECTION 1. TRAINING FOR STATE AND LOCAL PROSECUTORS.

“The Attorney General is authorized to award a grant to a national nonprofit organization (such as the National District Attorneys Association) to conduct a national training program for State and local prosecutors for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors to work together.

##### “SEC. 2. COMPREHENSIVE CONTINUING LEGAL EDUCATION.

“The Attorney General may provide assistance to the grantee under section 1 to carry out the training program described in such section, including comprehensive continuing legal education in the areas of trial practice, substantive legal updates, support staff training, and any other assistance the Attorney General determines to be appropriate.

##### “SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to the Attorney General to carry out this Act \$4,750,000 for each of the fiscal years 2009 through 2012, to remain available until expended.”

#### ASSESSING AND REDUCING THREAT TO LAW ENFORCEMENT OFFICERS FROM CRIMINAL USE OF FIREARMS AND AMMUNITION

Pub. L. 104-132, title VIII, §809, Apr. 24, 1996, 110 Stat. 1311, provided that:

“(a) The Secretary of the Treasury, in conjunction with the Attorney General, shall conduct a study and make recommendations concerning—

“(1) the extent and nature of the deaths and serious injuries, in the line of duty during the last decade, for law enforcement officers, including—

“(A) those officers who were feloniously killed or seriously injured and those that died or were seriously injured as a result of accidents or other non-felonious causes;

“(B) those officers feloniously killed or seriously injured with firearms, those killed or seriously injured with, separately, handguns firing handgun caliber ammunition, handguns firing rifle caliber ammunition, rifles firing rifle caliber ammunition,

rifles firing handgun caliber ammunition and shotguns;

“(C) those officers feloniously killed or seriously injured with firearms, and killings or serious injuries committed with firearms taken by officers’ assailants from officers, and those committed with other officers’ firearms; and

“(D) those killed or seriously injured because shots attributable to projectiles defined as ‘armor piercing ammunition’ under section 921(a)(17)(B)(i) and (ii) of title 18, United States Code, pierced the protective material of bullet resistant vests and bullet resistant headgear;

“(2) whether current passive defensive strategies, such as body armor, are adequate to counter the criminal use of firearms against law officers; and

“(3) the calibers of ammunition that are—

“(A) sold in the greatest quantities;

“(B) their common uses, according to consultations with industry, sporting organizations and law enforcement;

“(C) the calibers commonly used for civilian defensive or sporting uses that would be affected by any prohibition on non-law enforcement sales of such ammunition, if such ammunition is capable of penetrating minimum level bullet resistant vests; and

“(D) recommendations for increase in body armor capabilities to further protect law enforcement from threat.

“(b) In conducting the study, the Secretary shall consult with other Federal, State and local officials, non-governmental organizations, including all national police organizations, national sporting organizations and national industry associations with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be presented to Congress twelve months after the enactment of this Act [Apr. 24, 1996] and made available to the public, including any data tapes or data used to form such recommendations.

“(c) There are authorized to be appropriated for the study and recommendations such sums as may be necessary.”

#### NATIONAL COMMISSION TO SUPPORT LAW ENFORCEMENT

Pub. L. 101-647, title XXXIV, Nov. 29, 1990, 104 Stat. 4918, as amended by Pub. L. 103-322, title XXVI, §260002, Sept. 13, 1994, 108 Stat. 2089, provided that:

##### “SEC. 3401. CONGRESSIONAL FINDINGS.

“The Congress finds that—

“(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

“(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

“(3) law enforcement officers are on the front line in the war against drugs and crime;

“(4) the rate of violent crime continues to increase along with the increase in drug use;

“(5) a large percentage of individuals arrested test positive for drug usage;

“(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review 25 years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

“(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

##### “SEC. 3402. ESTABLISHMENT.

“There is hereby established the National Commission to Support Law Enforcement (hereafter in this title referred to as the ‘Commission’).

“SEC. 3403. DUTIES.

“(a) IN GENERAL.—The Commission shall study and include in the report made under section 3407 recommendations for changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

“(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

“(2) EMPLOYMENT.—The conditions of law enforcement employment.

“(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

“(4) RESEARCH AND TRAINING.—The status of law enforcement research and education and training.

“(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

“(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

“(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

“(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

“(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

“SEC. 3404. MEMBERSHIP.

“(a) [Repealed. Pub. L. 103-322, title XXVI, §260002, Sept. 13, 1994, 108 Stat. 2089.]

“(b) COMPENSATION.—

“(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of service on the Commission.

“(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“SEC. 3405. EXPERTS AND CONSULTANTS.

“(a) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this title.

“(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

“SEC. 3406. POWERS OF COMMISSION.

“(a) HEARINGS.—The Commission may, for purposes of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

“(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

“(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

“(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

“(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

“SEC. 3407. REPORT.

“Not later than the expiration of the 18-month period beginning on the date of the enactment of this title

[Nov. 29, 1990], the Commission shall submit to the Congress a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate.

“SEC. 3408. TERMINATION.

“The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 3407.”

Pub. L. 101-515, title II, §211(B), Nov. 5, 1990, 104 Stat. 2122, as amended by Pub. L. 103-322, title XXVI, §260001, Sept. 13, 1994, 108 Stat. 2088; Pub. L. 104-316, title I, §122(m), Oct. 19, 1996, 110 Stat. 3838, provided that:

“(B)(a) This subsection may be cited as the ‘National Commission to Support Law Enforcement Act’.

“(b) The Congress finds that—

“(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

“(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

“(3) law enforcement officers are on the front line in the war against drugs and crime;

“(4) the rate of violent crime continues to increase along with the increase in drug use;

“(5) a large percentage of individuals arrested test positive for drug usage;

“(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review twenty-five years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decrease[d] funding; and

“(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

“(c) There is established a national commission to be known as the ‘National Commission to Support Law Enforcement’ (referred to in this section as the ‘Commission’).

“(d) The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

“(1) The sufficiency of funding, including a review of grant programs at the Federal level.

“(2) The conditions of law enforcement employment.

“(3) The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

“(4) The status of law enforcement research and education and training.

“(5) The adequacy of equipment, physical resources, and human resources.

“(6) The cooperation among Federal, State, and local law enforcement agencies.

“(7) The responsibility of governments and law enforcement agencies in solving the crime problem.

“(8) The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

“(e) The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

“(f) NUMBER AND APPOINTMENT.—

“(1) IN GENERAL.—The Commission shall be composed of 29 members as follows:

“(A) Nine individuals appointed from national law enforcement organizations representing law enforcement officers, of whom—

“(i) two shall be appointed by the Speaker of the House of Representatives;

“(ii) two shall be appointed by the majority leader of the Senate;

“(iii) two shall be appointed by the minority leader of the House of Representatives;

“(iv) two shall be appointed by the minority leader of the Senate; and

“(v) one shall be appointed by the President.

“(B) Nine individuals appointed from national law enforcement organizations representing law enforcement management, of whom—

“(i) two shall be appointed by the Speaker of the House of Representatives;

“(ii) two shall be appointed by the majority leader of the Senate;

“(iii) two shall be appointed by the minority leader of the House of Representatives;

“(iv) two shall be appointed by the minority leader of the Senate; and

“(v) one shall be appointed by the President.

“(C) Two individuals appointed with academic expertise regarding law enforcement issues, of whom—

“(i) one shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate; and

“(ii) one shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

“(D) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

“(E) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

“(F) One individual from the Department of Justice, appointed by the President.

“(G) Two individuals representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed jointly by the majority leader and the minority leader of the Senate.

“(H) Two individuals representing a State or local governmental entity, such as a Governor, mayor, or State attorney general, to be appointed jointly by the Speaker and the minority leader of the House of Representatives.

“(2) COMPTROLLER GENERAL.—The Comptroller General may serve in an advisory capacity, may oversee the methodology, and may approve of the Commission study.

“(3) CHAIRPERSON.—Upon their appointment the members of the Commission shall select one of their number to act as chairperson.

“(4) APPOINTMENT DATE.—Members of the Commission shall be appointed no later than 90 days after the enactment of this Act [probably means enactment of Pub. L. 103-322, which was approved Sept. 13, 1994].

“(g)(1) Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

“(2) Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“(h) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(i) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this section.

“(j) The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

“(k) The Commission may, for purposes of this section, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

“(l) Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

“(m) The Commission may secure directly from any Federal agency information necessary to enable it to carry out this section. Upon request of the chairperson of the Commission, the head of an agency shall furnish the information to the Commission to the extent permitted by law.

“(n) The Commission may accept, use, and dispose of gifts or donations of services or property.

“(o) The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

“(p) Not later than March 31, 1996, the Commission shall submit to the Congress a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate.

“(q) The Commission shall cease to exist upon the expiration of the sixty-day period beginning on the date on which the Commission submits its report under subsection (p).”

### § 3722. National Institute of Justice

#### (a) Establishment; general authority of Attorney General over Institute

There is established within the Department of Justice, under the general authority of the Attorney General, a National Institute of Justice (hereinafter referred to in this subchapter as the “Institute”).

#### (b) Director of Institute; appointment by President; authority; restrictions

The Institute shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. The Director shall have had experience in justice research. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall have final authority over all grants, cooperative agreements, and contracts awarded by the Institute. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Institute makes any contract or other arrangement under this chapter.

#### (c) Duties and functions

The Institute is authorized to—

(1) make grants to, or enter into cooperative agreements or contracts with, public agencies, institutions of higher education, private organizations, or individuals to conduct research, demonstrations, or special projects pertaining to the purposes described in this subchapter, and provide technical assistance and training in support of tests, demonstrations, and special projects;

(2) conduct or authorize multiyear and short-term research and development concerning the criminal and civil justice systems in an effort—

(A) to identify alternative programs for achieving system goals;

(B) to provide more accurate information on the causes and correlates of crime;