

laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations or appropriate certifying bodies;

(3) a specific description of any new facility to be constructed as part of the program for a State or local plan described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 3797m(c) of this title; and

(4) a certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

(Pub. L. 90-351, title I, §2802, as added Pub. L. 106-561, §2(c)(1), Dec. 21, 2000, 114 Stat. 2788; amended Pub. L. 107-273, div. B, title V, §5001(b)(2), Nov. 2, 2002, 116 Stat. 1813; Pub. L. 108-405, title III, §311(b), Oct. 30, 2004, 118 Stat. 2277.)

AMENDMENTS

2004—Par. (4). Pub. L. 108-405 added par. (4).

2002—Pub. L. 107-273, §5001(b)(2)(A), inserted “or unit of local government” after “State” in introductory provisions.

Par. (1). Pub. L. 107-273, §5001(b)(2)(B), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 3797m(a) of this title, and a specific description of the manner in which the grant will be used to carry out that plan;”.

Par. (2). Pub. L. 107-273, §5001(b)(2)(C), inserted “or appropriate certifying bodies” after “accrediting organizations”.

Par. (3). Pub. L. 107-273, §5001(b)(2)(D), inserted “for a State or local plan” after “program”.

§ 3797l. Allocation

(a) In general

(1) Population allocation

Seventy-five percent of the amount made available to carry out this subchapter in each fiscal year shall be allocated to each State that meets the requirements of section 3797k of this title so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this subchapter for that fiscal year as the population of the State bears to the population of all States.

(2) Discretionary allocation

Twenty-five percent of the amount made available to carry out this subchapter in each fiscal year shall be allocated pursuant to the Attorney General's discretion for competitive awards to States and units of local govern-

ment. In making awards under this subchapter, the Attorney General shall consider the average annual number of part 1 violent crimes reported by each State to the Federal Bureau of Investigation for the 3 most recent calendar years for which data is available and consider the existing resources and current needs of the potential grant recipient.

(3) Minimum requirement

Each State shall receive not less than 0.6 percent of the amount made available to carry out this subchapter in each fiscal year.

(4) Proportional reduction

If the amounts available to carry out this subchapter in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

(b) State defined

In this section, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

(Pub. L. 90-351, title I, §2803, as added Pub. L. 106-561, §2(c)(1), Dec. 21, 2000, 114 Stat. 2788; amended Pub. L. 107-273, div. B, title V, §5001(b)(3), Nov. 2, 2002, 116 Stat. 1814.)

AMENDMENTS

2002—Subsec. (a)(2). Pub. L. 107-273 substituted “for competitive awards to States and units of local government. In making awards under this subchapter, the Attorney General shall consider the average annual number of part 1 violent crimes reported by each State to the Federal Bureau of Investigation for the 3 most recent calendar years for which data is available and consider the existing resources and current needs of the potential grant recipient” for “to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available”.

§ 3797m. Use of grants

(a) In general

A State or unit of local government that receives a grant under this subchapter shall use the grant to do any one or more of the following:

(1) To carry out all or a substantial part of a program intended to improve the quality

and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

(2) To eliminate a backlog in the analysis of forensic science evidence, including firearms examination, latent prints, toxicology, controlled substances, forensic pathology, questionable documents, and trace evidence.

(3) To train, assist, and employ forensic laboratory personnel, as needed, to eliminate such a backlog.

(b) Permitted categories of funding

Subject to subsections (c) and (d) of this section, a grant awarded for the purpose set forth in subsection (a)(1) of this section—

(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

(2) may not be used for any general law enforcement or nonforensic investigatory function.

(c) Facilities costs

(1) States receiving minimum grant amount

With respect to a State that receives a grant under this subchapter (including grants received by units of local government within a State) in an amount that does not exceed 0.6 percent of the total amount made available to carry out this subchapter for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a) of this section.

(2) Other States

With respect to a State that receives a grant under this subchapter in an amount that exceeds 0.6 percent of the total amount made available to carry out this subchapter for a fiscal year—

(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a) of this section; and

(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a) of this section.

(d) Administrative costs

Not more than 10 percent of the total amount of a grant awarded under this subchapter may be used for administrative expenses.

(e) Backlog defined

For purposes of this section, a backlog in the analysis of forensic science evidence exists if such evidence—

(1) has been stored in a laboratory, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility; and

(2) has not been subjected to all appropriate forensic testing because of a lack of resources or personnel.

(Pub. L. 90-351, title I, §2804, as added Pub. L. 106-561, §2(c)(1), Dec. 21, 2000, 114 Stat. 2789; amended Pub. L. 107-273, div. B, title V, §5001(b)(4), Nov. 2, 2002, 116 Stat. 1814; Pub. L. 108-405, title III, §311(a), Oct. 30, 2004, 118 Stat. 2276.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-405, §311(a)(1), substituted “shall use the grant to do any one or more of the following:

“(1) To carry out”

for “shall use the grant to carry out” and added pars. (2) and (3).

Subsec. (b). Pub. L. 108-405, §311(a)(2), substituted “for the purpose set forth in subsection (a)(1) of this section” for “under this subchapter” in introductory provisions.

Subsec. (e). Pub. L. 108-405, §311(a)(3), added subsec. (e).

2002—Subsec. (a). Pub. L. 107-273, §5001(b)(4)(A), inserted “or unit of local government” after “A State”.

Subsec. (c)(1). Pub. L. 107-273, §5001(b)(4)(B), inserted “(including grants received by units of local government within a State)” after “under this subchapter”.

§ 3797n. Administrative provisions

(a) Regulations

The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this subchapter, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 3797k of this title.

(b) Expenditure records

(1) Records

Each State, or unit of local government within the State, that receives a grant under this subchapter shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

(2) Access

The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this subchapter, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

(Pub. L. 90-351, title I, §2805, as added Pub. L. 106-561, §2(c)(1), Dec. 21, 2000, 114 Stat. 2790.)

§ 3797o. Reports

(a) Reports to Attorney General

For each fiscal year for which a grant is awarded under this subchapter, each State or unit of local government that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

(1) a summary and assessment of the program carried out with the grant, which shall include a comparison of pre-grant and post-grant forensic science capabilities;