

fect 90 days after the date of the enactment of this Act [Jan. 5, 2006].”

§ 3712f. Division of Applied Law Enforcement Technology

(a) Establishment

There is established within the Office of Science and Technology, the Division of Applied Law Enforcement Technology, headed by an individual appointed by the Attorney General. The purpose of the Division shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

(b) Duties

In carrying out the purpose of the Division, the head of the Division shall—

(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department, such as Uniform Crime Reports or the National Incident-Based Reporting System.

(Pub. L. 90-351, title I, §107, as added Pub. L. 109-162, title XI, §1160(a), Jan. 5, 2006, 119 Stat. 3117.)

EFFECTIVE DATE

Pub. L. 109-162, title XI, §1160(b), Jan. 5, 2006, 119 Stat. 3117, as amended by Pub. L. 109-271, §8(n)(4)(A), Aug. 12, 2006, 120 Stat. 768, provided that: “This section [enacting this section] and the amendment made by this section take effect on October 1, 2006.”

§ 3712g. Availability of funds

(a) Period for awarding grant funds

(1) In general

Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

(2) Treatment of reprogrammed funds

DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

(3) Treatment of deobligated funds

If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

(b) Period for expending grant funds

DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall be deobligated.

(c) Definition

In this section, the term “DOJ grant funds” means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

(d) Applicability

This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.

(Pub. L. 90-351, title I, §108, as added Pub. L. 109-162, title XI, §1161(a), Jan. 5, 2006, 119 Stat. 3118; amended Pub. L. 109-271, §8(g), Aug. 12, 2006, 120 Stat. 767.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-271 substituted “be deobligated” for “revert to the Treasury”.

EFFECTIVE DATE

Pub. L. 109-162, title XI, §1161(b), Jan. 5, 2006, 119 Stat. 3118, as amended by Pub. L. 109-271, §8(n)(4)(B), Aug. 12, 2006, 120 Stat. 768, provided that: “This section [enacting this section] and the amendment made by this section take effect on October 1, 2006.”

§ 3712h. Office of Audit, Assessment, and Management

(a) Establishment

(1) In general

There is established within the Office an Office of Audit, Assessment, and Management, 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 carry out and coordinate program assessments of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

(3) Exclusivity

The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before January 5, 2006, by any other element of the Department.

(b) Covered programs

The programs referred to in subsection (a) are the following:

(1) The program under subchapter XII-E of this chapter.

(2) Any grant program carried out by the Office of Justice Programs.

(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

(c) Program assessments required**(1) In general**

The Director shall select grants awarded under the programs covered by subsection (b) and carry out program assessments on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount of money awarded under all such grant programs.

(2) Relationship to NIJ evaluations

This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

(3) Timing of program assessments

The program assessment required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

(B) at the end of each year of the grant period, if the grant period is more than 1 year.

(d) Compliance actions required

The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a program assessment under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

(e) Grant management system

The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

(f) Availability of funds

Not to exceed 3 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the Office of Audit, Assessment and Management for the activities authorized by this section.

(Pub. L. 90-351, title I, §109, formerly §105, as added Pub. L. 109-162, title XI, §1158(a), Jan. 5, 2006, 119 Stat. 3114; renumbered §109, Pub. L. 109-271, §8(e), Aug. 12, 2006, 120 Stat. 766.)

REFERENCES IN TEXT

January 5, 2006, referred to in subsec. (a)(3), was in the original “the date of the enactment of this Act” and was translated as meaning the date of enactment of Pub. L. 109-162, which enacted this section, to reflect the probable intent of Congress.

CODIFICATION

Section was formerly classified to section 3712d of this title prior to renumbering by Pub. L. 109-271.

EFFECTIVE DATE

Pub. L. 109-162, title XI, §1158(b), Jan. 5, 2006, 119 Stat. 3116, as amended by Pub. L. 109-271, §8(n)(3), Aug. 12, 2006, 120 Stat. 768, provided that:

“(1) IN GENERAL.—Except as provided in paragraph (2), section 109 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712d) [now 3712h] shall take effect on April 5, 2006.

“(2) CERTAIN PROVISIONS.—Subsections (c), (d), and (e) of section 109 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712d) [now 3712h] shall take effect on October 1, 2006.”

§3713. State grant program for training and prosecution of computer crimes**(a) In general**

Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof in accordance with subsection (b) of this section.

(b) Use of grant amounts

Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime, including infringement of copyrighted works over the Internet;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime, including infringement of copyrighted works over the Internet;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime, including infringement of copyrighted works over the Internet;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) Assurances

To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as criminal laws prohibiting—