

local law enforcement agency or organization to study issues of importance in the law enforcement field as determined by the Attorney General.

(Pub. L. 90-351, title I, §2306, as added Pub. L. 103-322, title XXI, §210201(a)(3), Sept. 13, 1994, 108 Stat. 2064.)

§ 3796jj-6. Reports

A State or local law enforcement agency or organization that receives a grant under this subchapter shall submit to the Attorney General an annual report that includes—

- (1) program descriptions;
- (2) the number of staff employed to administer programs;
- (3) the number of individuals who participated in programs; and
- (4) an evaluation of the effectiveness of grant programs.

(Pub. L. 90-351, title I, §2307, as added Pub. L. 103-322, title XXI, §210201(a)(3), Sept. 13, 1994, 108 Stat. 2064.)

§ 3796jj-7. Definitions

For purposes of this subchapter—

- (1) the term “family-friendly policy” means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and
- (2) the term “law enforcement personnel” means individuals employed by Federal, State, and local law enforcement agencies.

(Pub. L. 90-351, title I, §2308, as added Pub. L. 103-322, title XXI, §210201(a)(3), Sept. 13, 1994, 108 Stat. 2064.)

SUBCHAPTER XII-L—DNA IDENTIFICATION GRANTS

CODIFICATION

This subchapter is comprised of part X of title I of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351.

§ 3796kk. Grant authorization

The Attorney General may make funds available under this subchapter to States and units of local government, or combinations thereof, to carry out all or a substantial part of a program or project intended to develop or improve the capability to analyze deoxyribonucleic acid (referred to in this subchapter as “DNA”) in a forensic laboratory.

(Pub. L. 90-351, title I, §2401, as added Pub. L. 103-322, title XXI, §210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2066.)

PRIOR PROVISIONS

A prior section 2401 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 3797 of this title.

EFFECTIVE DATE

Pub. L. 103-322, title XXI, §210302(c)(4), Sept. 13, 1994, 108 Stat. 2068, provided that: “The amendments made by this section [enacting this subchapter and amending sections 3751, 3753, 3793, and 3797 of this title] shall take effect on the date that is 60 days after the date of enactment of this Act [Sept. 13, 1994].”

§ 3796kk-1. Applications

To request a grant under this subchapter, the chief executive officer of a State or unit of local government shall submit an application in such form as the Attorney General may require.

(Pub. L. 90-351, title I, §2402, as added Pub. L. 103-322, title XXI, §210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2066.)

§ 3796kk-2. Application requirements

No grant may be made under this subchapter unless an application has been submitted to the Attorney General in which the applicant certifies that—

(1) DNA analyses performed at the laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis issued by the Director of the Federal Bureau of Investigation under section 14131 of this title.¹

(2) DNA samples obtained by and DNA analyses performed at the laboratory shall be made available only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which the defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

(3) the laboratory and each analyst performing DNA analyses at the laboratory shall undergo semiannual external proficiency testing by a DNA proficiency testing program that meets the standards issued under section 14131 of this title.

(Pub. L. 90-351, title I, §2403, as added Pub. L. 103-322, title XXI, §210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2066; amended Pub. L. 106-546, §8(b), Dec. 19, 2000, 114 Stat. 2735.)

AMENDMENTS

2000—Par. (3). Pub. L. 106-546 substituted “semi-annual” for “”, at regular intervals not exceeding 180 days.”

§ 3796kk-3. Administrative provisions

(a) Regulation authority

The Attorney General may promulgate guidelines, regulations, and procedures, as necessary to carry out the purposes of this subchapter, including limitations on the number of awards made during each fiscal year, the submission and review of applications, selection criteria, and the extension or continuation of awards.

(b) Award authority

The Attorney General shall have final authority over all funds awarded under this subchapter.

¹ So in original. The period probably should be a semicolon.

(c) Technical assistance

To assist and measure the effectiveness and performance of programs and activities funded under this subchapter, the Attorney General may provide technical assistance as required.

(Pub. L. 90-351, title I, §2404, as added Pub. L. 103-322, title XXI, §210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2066.)

§ 3796kk-4. Restrictions on use of funds**(a) Federal share**

The Federal share of a grant, contract, or cooperative agreement made under this subchapter may not exceed 75 percent of the total costs of the project described in the application submitted for the fiscal year for which the project receives assistance.

(b) Administrative costs

A State or unit of local government may not use more than 10 percent of the funds it receives from¹ this subchapter for administrative expenses.

(Pub. L. 90-351, title I, §2405, as added Pub. L. 103-322, title XXI, §210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2067.)

§ 3796kk-5. Reports

Each State or unit of local government which receives a grant under this subchapter shall submit to the Attorney General, for each year in which funds from a grant received under this subchapter is expended, a report at such time and in such manner as the Attorney General may reasonably require which contains—

- (1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application submitted under section 3796kk-1 of this title; and
- (2) such other information as the Attorney General may require.

(Pub. L. 90-351, title I, §2406, as added Pub. L. 103-322, title XXI, §210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2067; amended Pub. L. 112-189, §2(a), Oct. 5, 2012, 126 Stat. 1435.)

AMENDMENTS

2012—Pub. L. 112-189 struck out subsec. (a) designation and heading “Reports to Attorney General” before “Each State” and struck out subsec. (b) which required the Attorney General to submit reports to Congress on grant amounts and activities.

§ 3796kk-6. Expenditure records**(a) Records**

Each State or unit of local government which receives a grant under this subchapter shall keep records as the Attorney General may require to facilitate an effective audit.

(b) Access

The Attorney General, the Comptroller General, or their designated agents shall have access, for the purpose of audit and examination, to any books, documents, and records of States and units of local government which receive

grants made under this subchapter if, in the opinion of the Attorney General, the Comptroller General, or their designated agents, such books, documents, and records are related to the receipt or use of any such grant.

(Pub. L. 90-351, title I, §2407, as added Pub. L. 103-322, title XXI, §210302(c)(1)(C), Sept. 13, 1994, 108 Stat. 2067.)

SUBCHAPTER XII-M—MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

§ 3796ll. Program authorized**(a) In general**

The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase armor vests for use by State, local, and tribal law enforcement officers and State and local court officers.

(b) Uses of funds

Grants awarded under this section shall be—

- (1) distributed directly to the State, unit of local government, State or local court, or Indian tribe; and
- (2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(c) Preferential consideration

In awarding grants under this subchapter, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

- (1) has the greatest need for armor vests based on the percentage of law enforcement officers in the department who do not have access to a vest;
- (2) has, or will institute, a mandatory wear policy that requires on-duty law enforcement officers to wear armor vests whenever feasible; and
- (3) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

(4) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance” of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119).

(d) Minimum amount

Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

(e) Maximum amount

A qualifying State, unit of local government, or Indian tribe may not receive more than 5 per-

¹ So in original. Probably should be “under”.