

case of fiscal hardship, as determined by the Director.

(g) Allocation of funds

Funds available under this subchapter shall be awarded, without regard to subsection (c) of this section, to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this subchapter shall be awarded to other qualifying applicants.

(h) Expiration of appropriated funds

(1) Definition

In this subsection, the term “appropriated funds” means any amounts that are appropriated for any of fiscal years 2016 through 2020 to carry out this subchapter.

(2) Expiration

All appropriated funds that are not obligated on or before December 31, 2022 shall be transferred to the General Fund of the Treasury not later than January 31, 2023.

(Pub. L. 90-351, title I, §2501, as added Pub. L. 105-181, §3(a)(3), June 16, 1998, 112 Stat. 513; amended Pub. L. 106-517, §3(a), (b), Nov. 13, 2000, 114 Stat. 2407, 2408; Pub. L. 110-177, title III, §302(d), Jan. 7, 2008, 121 Stat. 2539; Pub. L. 111-8, div. B, title II, Mar. 11, 2009, 123 Stat. 583; Pub. L. 114-155, §§3, 5, 7, May 16, 2016, 130 Stat. 389, 390.)

REFERENCES IN TEXT

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, referred to in subsec. (c)(5), is Pub. L. 105-119, Nov. 26, 1997, 111 Stat. 2440. Provisions under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance”, 111 Stat. 2452, are not classified to the Code.

PRIOR PROVISIONS

A prior section 2501 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 3797 of this title.

AMENDMENTS

2016—Subsec. (c)(2) to (5). Pub. L. 114-155, §7, struck out “and” at end of par. (2), substituted “; and” for “; or” at end of par. (3), added par. (4), and redesignated former par. (4) as (5).

Subsec. (f)(3), (4). Pub. L. 114-155, §5, added par. (3) and redesignated former par. (3) as (4).

Subsec. (h). Pub. L. 114-155, §3, added subsec. (h).

2009—Subsec. (f)(3). Pub. L. 111-8 added par. (3).

2008—Subsec. (a). Pub. L. 110-177, §302(d)(1), inserted “and State and local court officers” after “tribal law enforcement officers”.

Subsec. (b)(1). Pub. L. 110-177, §302(d)(2), inserted “State or local court,” after “government,”.

2000—Subsec. (f). Pub. L. 106-517, §3(a), designated first sentence as par. (1), inserted par. heading, substituted “subsection (a) of this section—” and subpars. (A) and (B) for “subsection (a) of this section may not exceed 50 percent.”, and designated second sentence as par. (2) and inserted par. heading.

Subsec. (g). Pub. L. 106-517, §3(b), amended heading and text of subsec. (g) generally. Prior to amendment, text read as follows: “At least half of the funds available under this subchapter shall be awarded to units of local government with fewer than 100,000 residents.”

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) through (6) of this title, trans-

ferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106-113, set out as a note under section 3741 of this title.

FINDINGS OF 2000 AMENDMENTS

Pub. L. 106-517, §2, Nov. 13, 2000, 114 Stat. 2407, provided that: “Congress finds that—

“(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

“(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were killed in the line of duty;

“(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

“(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

“(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ‘public safety crisis in Indian country’.”

FINDINGS AND PURPOSE OF 1998 AMENDMENTS

Pub. L. 105-181, §2, June 16, 1998, 112 Stat. 512, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

“(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

“(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

“(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

“(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

“(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ‘public safety crisis in Indian country’.

“(b) PURPOSE.—The purpose of this Act [see Short Title of 1998 Amendments note set out under section 3711 of this title] is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with armor vests.”

§ 3796ll-1. Applications

(a) In general

To request a grant under this subchapter, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

(b) Regulations

Not later than 90 days after June 16, 1998, the Director of the Bureau of Justice Assistance

shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

(c) Eligibility

A unit of local government that receives funding 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)) during a fiscal year in which it submits an application under this subchapter shall not be eligible for a grant under this subchapter unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of armor vests, but did not, or does not expect to use such funds for such purpose.

(d) Applications in conjunction with purchases

If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

(2) expressly assumes the obligation to carry out the transaction, regardless of whether such amounts are received.

(Pub. L. 90-351, title I, §2502, as added Pub. L. 105-181, §3(a)(3), June 16, 1998, 112 Stat. 514; amended Pub. L. 106-517, §3(c), Nov. 13, 2000, 114 Stat. 2408.)

REFERENCES IN TEXT

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, referred to in subsec. (c), is Pub. L. 105-119, Nov. 26, 1997, 111 Stat. 2440. Provisions under the heading “Violent Crime Reduction Programs, State and Local Law Enforcement Assistance”, 111 Stat. 2452, are not classified to the Code.

AMENDMENTS

2000—Subsec. (d). Pub. L. 106-517 added subsec. (d).

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) through (6) of this title, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106-113, set out as a note under section 3741 of this title.

§ 3796II-2. Definitions

For purposes of this subchapter—

(1) the term “armor vest” means—

(A) body armor, no less than Type I, which has been tested through the voluntary compliance testing program operated by the Na-

tional Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to meet or exceed the requirements of NIJ Standard 0101.03, or any subsequent revision of such standard; or

(B) body armor that has been tested through the voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any revision of such standard;

(2) the term “body armor” means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm;

(3) the term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

(4) the term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(5) the term “Indian tribe” has the same meaning as in section 5304(e) of title 25; and

(6) the term “law enforcement officer” means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(Pub. L. 90-351, title I, §2503, as added Pub. L. 105-181, §3(a)(3), June 16, 1998, 112 Stat. 514; amended Pub. L. 106-517, §3(d), Nov. 13, 2000, 114 Stat. 2408.)

AMENDMENTS

2000—Par. (1). Pub. L. 106-517 designated provisions after “‘armor vest’ means” as subpar. (A) and added subpar. (B).

INTERIM DEFINITION OF ARMOR VEST

Pub. L. 106-517, §3(e), Nov. 13, 2000, 114 Stat. 2408, provided that: “For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 [42 U.S.C. 3796II et seq.], as amended by this Act, the meaning of the term ‘armor vest’ (as defined in section 2503 of such Act [42 U.S.C. 3796II-2]) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantee is located.”

§ 3796II-3. James Guelff and Chris McCurley Body Armor Act of 2002

(a) Short title

This section may be cited as the “James Guelff and Chris McCurley Body Armor Act of 2002”.

(b) Findings

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;