

(2) include a statement from the highest ranking law enforcement official from the State or locality or from the highest ranking official from the organization applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

(3) assure that the Attorney General or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this subchapter.

(Pub. L. 90-351, title I, §2304, as added Pub. L. 103-322, title XXI, §210201(a)(3), Sept. 13, 1994, 108 Stat. 2063.)

CODIFICATION

Section was formerly classified to section 3796jj-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10495. Award of grants; limitation

(a) Grant distribution

In approving grants under this subchapter, the Attorney General shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

(b) Duration

The Attorney General may award a grant each fiscal year, not to exceed \$100,000 to a State or local law enforcement agency or \$250,000 to a law enforcement organization for a period not to exceed 5 years. In any application from a State or local law enforcement agency or organization for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Attorney General shall review the progress made toward meeting the objectives of the program. The Attorney General may refuse to award a grant if the Attorney General finds sufficient progress has not been made toward meeting such objectives, but only after affording the applicant notice and an opportunity for reconsideration.

(c) Limitation

Not more than 5 percent of grant funds received by a State or a local law enforcement agency or organization may be used for administrative purposes.

(Pub. L. 90-351, title I, §2305, as added Pub. L. 103-322, title XXI, §210201(a)(3), Sept. 13, 1994, 108 Stat. 2063.)

CODIFICATION

Section was formerly classified to section 3796jj-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10496. Discretionary research grants

The Attorney General may reserve 10 percent of funds to award research grants to a State or 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.)

CODIFICATION

Section was formerly classified to section 3796jj-5 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10497. 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.)

CODIFICATION

Section was formerly classified to section 3796jj-6 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10498. 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.)

CODIFICATION

Section was formerly classified to section 3796jj-7 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

SUBCHAPTER XXIII—DNA IDENTIFICATION GRANTS

§ 10511. 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.)

CODIFICATION

Section was formerly classified to section 3796kk of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 2401 of Pub. L. 90-351 was renumbered section 2601 and is classified to section 10541 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 10152, 10154, 10261, and 10541 of this title] shall take effect on the date that is 60 days after the date of enactment of this Act [Sept. 13, 1994].”

§ 10512. 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.)

CODIFICATION

Section was formerly classified to section 3796kk-1 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10513. 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 12591 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 12591 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.)

CODIFICATION

Section was formerly classified to section 3796kk-2 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

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

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

§ 10514. 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.

(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.)

CODIFICATION

Section was formerly classified to section 3796kk-3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10515. 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.)

CODIFICATION

Section was formerly classified to section 3796kk-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 10516. 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 10512 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,

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