

(Pub. L. 103-322, title II, §20106, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-18; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13706 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 20106 of Pub. L. 103-322, title II, Sept. 13, 1994, 108 Stat. 1818, related to technical assistance and training prior to the general amendment of subtitle A of title II of Pub. L. 103-322 by Pub. L. 104-134.

§ 12107. Accountability

(a) Fiscal requirements

A State that receives funds under this part shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 12102(a) of this title shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

(b) Administrative provisions

The administrative provisions of sections 10221 and 10222 of this title shall apply to the Attorney General under this part in the same manner that such provisions apply to the officials listed in such sections.

(Pub. L. 103-322, title II, §20107, as added Pub. L. 104-134, title I, §101[(a)] [title I, §114(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-19; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 13707 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 20107 of Pub. L. 103-322, title II, Sept. 13, 1994, 108 Stat. 1818, related to evaluation of programs prior to the general amendment of subtitle A of title II of Pub. L. 103-322 by Pub. L. 104-134.

§ 12108. Authorization of appropriations

(a) In general

(1) Authorizations

There are authorized to be appropriated to carry out this part—

- (A) \$997,500,000 for fiscal year 1996;
- (B) \$1,330,000,000 for fiscal year 1997;
- (C) \$2,527,000,000 for fiscal year 1998;
- (D) \$2,660,000,000 for fiscal year 1999; and
- (E) \$2,753,100,000 for fiscal year 2000.

(2) Distribution

(A) In general

Of the amounts remaining after the allocation of funds for the purposes set forth under sections 12110, 12111, and 12109 of this title, the Attorney General shall, from amounts

authorized to be appropriated under paragraph (1) for each fiscal year, distribute 50 percent for incarceration grants under section 12103 of this title, and 50 percent for incentive grants under section 12104 of this title.

(B) Distribution of minimum amounts

The Attorney General shall distribute minimum amounts allocated for section 12103(a) of this title to an eligible State not later than 30 days after receiving an application that demonstrates that such State qualifies for a Violent Offender Incarceration grant under section 12103 of this title or a Truth-in-Sentencing Incentive grant under section 12104 of this title.

(b) Limitations on funds

(1) Uses of funds

Except as provided in section¹ 12110 and 12111 of this title, funds made available pursuant to this section shall be used only to carry out the purposes described in section 12102(a) of this title.

(2) Nonsupplanting requirement

Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(3) Administrative costs

Not more than 3 percent of the funds that remain available after carrying out sections 12109, 12110, and 12111 of this title shall be available to the Attorney General for purposes of—

- (A) administration;
- (B) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this part;
- (C) technical assistance relating to the use of grant funds, and development and implementation of sentencing reforms implemented pursuant to this part; and
- (D) data collection and improvement of information systems relating to the confinement of violent offenders and other sentencing and correctional matters.

(4) Carryover of appropriations

Funds appropriated pursuant to this section during any fiscal year shall remain available until expended. Funds obligated, but subsequently unspent and deobligated, may remain available, to the extent as may² provided in appropriations Acts, for the purpose described in section 12102(a)(4) of this title for any subsequent fiscal year. The further obligation of such funds by an official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

(5) Matching funds

The Federal share of a grant received under this part may not exceed 90 percent of the

¹ So in original. Probably should be "sections".

² So in original. Probably should be followed by "be".