

## Justice for All Act of 2004

[Public Law 108–405]

[As Amended Through P.L. 117–103, Enacted March 15, 2022]

【Currency: This publication is a compilation of the text of Public Law 108–405. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To protect crime victims’ rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) 【34 U.S.C. 10101 note】 SHORT TITLE.—This Act may be cited as the “Justice for All Act of 2004”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—SCOTT CAMPBELL, STEPHANIE ROPER, WENDY PRESTON, LOUARNA GILLIS, AND NILA LYNN CRIME VICTIMS’ RIGHTS ACT

Sec. 101. Short title.

Sec. 102. Crime victims’ rights.

Sec. 103. Increased resources for enforcement of crime victims’ rights.

Sec. 104. Reports.

#### TITLE II—DEBBIE SMITH ACT OF 2004

Sec. 201. Short title.

Sec. 202. Debbie Smith DNA Backlog Grant Program.

Sec. 203. Expansion of Combined DNA Index System.

Sec. 204. Tolling of statute of limitations.

Sec. 205. Legal assistance for victims of violence.

Sec. 206. Ensuring private laboratory assistance in eliminating DNA backlog.

#### TITLE III—DNA SEXUAL ASSAULT JUSTICE ACT OF 2004

Sec. 301. Short title.

Sec. 302. Ensuring public crime laboratory compliance with Federal standards.

Sec. 303. DNA training and education for law enforcement, correctional personnel, and court officers.

**Sec. 301** **Justice for All Act of 2004** **2**

- Sec. 304. Sexual assault forensic exam program grants.
- Sec. 305. DNA research and development.
- Sec. 306. National Forensic Science Commission.
- Sec. 307. FBI DNA programs.
- Sec. 308. DNA identification of missing persons.
- Sec. 309. Enhanced criminal penalties for unauthorized disclosure or use of DNA information.
- Sec. 310. Tribal coalition grants.
- Sec. 311. Expansion of Paul Coverdell Forensic Sciences Improvement Grant Program.
- Sec. 312. Report to Congress.

**TITLE IV—INNOCENCE PROTECTION ACT OF 2004**

- Sec. 401. Short title.

**Subtitle A—Exonerating the innocent through DNA testing**

- Sec. 411. Federal post-conviction DNA testing.
- Sec. 412. Kirk Bloodsworth Post-Conviction DNA Testing Grant Program.
- Sec. 413. Incentive grants to States to ensure consideration of claims of actual innocence.
- Sec. 414. Establishment of best practices for evidence retention.

**Subtitle B—Improving the quality of representation in State capital cases**

- Sec. 421. Capital representation improvement grants.
- Sec. 422. Capital prosecution improvement grants.
- Sec. 423. Applications.
- Sec. 424. State reports.
- Sec. 425. Evaluations by Inspector General and administrative remedies.
- Sec. 426. Authorization of appropriations.

**Subtitle C—Compensation for the wrongfully convicted**

- Sec. 431. Increased compensation in Federal cases for the wrongfully convicted.
- Sec. 432. Sense of Congress regarding compensation in State death penalty cases.

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## **TITLE III—DNA SEXUAL ASSAULT JUSTICE ACT OF 2004**

**SEC. 301. [34 U.S.C. 10101 note] SHORT TITLE.**

This title may be cited as the “DNA Sexual Assault Justice Act of 2004”.

**SEC. 302. ENSURING PUBLIC CRIME LABORATORY COMPLIANCE WITH FEDERAL STANDARDS.**

Section 210304(b)(2) of the DNA Identification Act of 1994 (42 U.S.C. 14132(b)(2)) is amended to read as follows:

“(2) prepared by laboratories that—

“(A) not later than 2 years after the date of enactment of the DNA Sexual Assault Justice Act of 2004, have been accredited by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic science community; and

“(B) undergo external audits, not less than once every 2 years, that demonstrate compliance with standards established by the Director of the Federal Bureau of Investigation; and”.

**SEC. 303. [34 U.S.C. 40722] DNA TRAINING AND EDUCATION FOR LAW ENFORCEMENT, CORRECTIONAL PERSONNEL, AND COURT OFFICERS.**

(a) **IN GENERAL.**—The Attorney General shall make grants to provide training, technical assistance, education, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by—

- (1) law enforcement personnel, including police officers and other first responders, evidence technicians, investigators, and others who collect or examine evidence of crime;
- (2) court officers, including State and local prosecutors, defense lawyers, and judges;
- (3) forensic science professionals; and
- (4) corrections personnel, including prison and jail personnel, and probation, parole, and other officers involved in supervision.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$12,500,000 for each of fiscal years 2019 through 2024 to carry out this section.

**SEC. 304. [34 U.S.C. 40723] SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.<sup>1</sup>**

(a) **IN GENERAL.**—The Attorney General shall make grants to eligible entities to provide training, technical assistance, education, equipment, and information relating to the identification, collection, preservation, analysis, and use of DNA samples and DNA evidence by medical personnel and other personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other professionals involved in treating victims of sexual assault and sexual assault examination programs, including SANE (Sexual Assault Nurse Examiner), SAFE (Sexual Assault Forensic Examiner), and SART (Sexual Assault Response Team).

(b) **ELIGIBLE ENTITY.**—For purposes of this section, the term “eligible entity” includes—

- (1) States;
- (2) units of local government; and
- (3) sexual assault examination programs, including—
  - (A) sexual assault nurse examiner (SANE) programs;
  - (B) sexual assault forensic examiner (SAFE) programs;
  - (C) sexual assault response team (SART) programs;
  - (D) State sexual assault coalitions;
  - (E) medical personnel, including doctors, medical examiners, coroners, and nurses, involved in treating victims of sexual assault; and
  - (F) victim service providers involved in treating victims of sexual assault.

(c) **PREFERENCE.**—

(1) **IN GENERAL.**—In reviewing applications submitted in accordance with a program authorized, in whole or in part, by this section, the Attorney General shall give preference to any eligible entity that certifies that the entity will use the grant funds to—

<sup>1</sup> For a version of law of section 304, as amended by section 1318(b)–(e) of division W of Public Law 117–103, and in effect on October 1, 2022, see note below.

(A) improve forensic nurse examiner programs in a rural area or for an underserved population, as those terms are defined in section 4002 of the Violence Against Women Act of 1994 (42 U.S.C. 13925);

(B) engage in activities that will assist in the employment of full-time forensic nurse examiners to conduct activities under subsection (a); or

(C) sustain or establish a training program for forensic nurse examiners.

(2) **DIRECTIVE TO THE ATTORNEY GENERAL.**—Not later than the beginning of fiscal year 2018, the Attorney General shall coordinate with the Secretary of Health and Human Services to inform Federally Qualified Health Centers, Community Health Centers, hospitals, colleges and universities, and other appropriate health-related entities about the role of forensic nurses, both adult and pediatric, and existing resources available within the Department of Justice and the Department of Health and Human Services to train or employ forensic nurses to address the needs of communities dealing with sexual assault, domestic violence, elder abuse, and, in particular, the need for pediatric sexual assault nurse examiners, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents. The Attorney General shall collaborate on this effort with non-governmental organizations representing forensic nurses.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$30,000,000 for each of fiscal years 2019 through 2024 to carry out this section.

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**[Note: Effective on October 1, 2022, section 1318(b)–(e) of division W of Public Law 117–103 provides for amendments to section 304. Upon such date, section 304 (as so amended) will read as follows:]**

**SEC. 304. [34 U.S.C. 40723] SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.**

(a) **DEFINITIONS.**—*In this section:*

(1) **ELIGIBLE ENTITY.**—*The term “eligible entity” includes—*

(A) *a State, Tribal, or local government or hospital;*

(B) *a sexual assault examination program, including—*

(i) *a SANE program;*

(ii) *a SAFE program;*

(iii) *a SART program;*

(iv) *medical personnel, including a doctor or nurse, involved in treating victims of sexual assault; and*

(v) *a victim service provider involved in treating victims of sexual assault;*

(C) *a State sexual assault coalition;*

(D) *a health care facility, including a hospital that provides sexual assault forensic examinations by a qualified or certified SANE or SAFE;*

(E) *a sexual assault examination program that provides SANE or SAFE training; and*

(F) a community-based program that provides sexual assault forensic examinations, including pediatric forensic exams in a multidisciplinary setting, by a qualified or certified SANE or SAFE outside of a traditional health care setting.

(2) **HEALTH CARE FACILITY.**—The term “health care facility” means any State, local, Tribal, community, free, nonprofit, academic, or private medical facility, including a hospital, that provides emergency medical care to patients.

(3) **MEDICAL FORENSIC EXAMINATION; MFE.**—The term “medical forensic examination” or “MFE” means an examination of a sexual assault patient by a health care provider, who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients, which includes—

(A) gathering information from the patient for the medical forensic history;

(B) an examination;

(C) coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the patient;

(D) documentation of findings;

(E) providing information, treatment, and referrals for sexually transmitted infections, pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and

(F) providing follow-up as needed to provide additional healing, treatment, or collection of evidence.

(4) **PEDIATRIC SANE AND SAFE.**—The term “pediatric SANE and SAFE” means a SANE or SAFE who is trained to conduct sexual assault forensic examinations on children and youth between the ages of 0 and 18.

(5) **QUALIFIED PERSONNEL.**—The term “qualified personnel” includes a registered or advanced practice nurse, physician, doctor of osteopathy, or physician assistant who has specialized training conducting medical forensic examinations.

(6) **QUALIFIED SANE AND SAFE TRAINING PROGRAM.**—The term “qualified SANE and SAFE training program” means a program that—

(A) is qualified to prepare current and future sexual assault nurse examiners to be profession-ready and meet the applicable State and National certification and licensure requirements, through didactic, clinical, preceptor, or capstone programs that include longer-term training;

(B) provides that preparation under a health care model that uses trauma-informed techniques; and

(C) is approved as meeting the most recent National Training Standards for Sexual Assault Medical Forensic Examiners.

(7) **RURAL AREA.**—The term “rural area” has the meaning given the term in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291).

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

(9) *SEXUAL ASSAULT.*—The term “sexual assault” means any nonconsensual sexual act or sexual contact proscribed by Federal, Tribal, or State law, including when the individual lacks capacity to consent.

(10) *SEXUAL ASSAULT FORENSIC EXAMINER; SAFE.*—The term “sexual assault forensic examiner” or “SAFE” means an individual who has specialized forensic training in treating sexual assault survivors and conducting medical forensic examinations.

(11) *SEXUAL ASSAULT FORENSIC EXAMINATION.*—The term “sexual assault forensic examination” means an examination of a sexual assault patient by a health care provider, who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients, which includes—

(A) gathering information from the patient for the medical forensic history;

(B) an examination;

(C) coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the patient;

(D) documentation of findings;

(E) providing information, treatment, and referrals for sexually transmitted infections, pregnancy, suicidal ideation, alcohol and substance abuse, and other non-acute medical concerns; and

(F) providing follow-up as needed to provide additional healing, treatment, or collection of evidence.

(12) *SEXUAL ASSAULT NURSE EXAMINER; SANE.*—The term “sexual assault nurse examiner” or “SANE” means a registered or advanced practice nurse who has specialized training conducting medical forensic examinations.

(13) *SEXUAL ASSAULT RESPONSE TEAM; SART.*—The term “sexual assault response team” or “SART” means a multidisciplinary team that—

(A) provides a specialized and immediate response to survivors of sexual assault; and

(B) may include health care personnel, law enforcement representatives, community-based survivor advocates, prosecutors, and forensic scientists.

(14) *STATE.*—The term “State” means any State of the United States, the District of Columbia, and any territory or possession of the United States.

(15) *TRAUMA-INFORMED.*—The term “trauma-informed” means, with respect to services or training, services or training that—

(A) use a patient-centered approach to providing services or care;

(B) promote the dignity, strength, and empowerment of patients who have experienced trauma; and

(C) incorporate evidence-based practices based on knowledge about the impact of trauma on patients’ lives.

(16) *UNDERSERVED POPULATIONS.*—The term “underserved populations” has the meaning given the term in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291).

(b) *SEXUAL ASSAULT NURSE EXAMINER TRAINING PROGRAM GRANTS.*—

(1) *AUTHORIZATION FOR GRANTS.*—The Attorney General, in consultation with the Secretary, shall make grants to eligible entities for the following purposes:

(A) To establish qualified regional SANE training programs—

(i) to provide clinical education for SANE students;

(ii) to provide salaries for full and part-time SANE instructors, including those specializing in pediatrics and working in a multidisciplinary team setting, to help with the clinical training of SANEs; and

(iii) to provide access to simulation laboratories and other resources necessary for clinical education.

(B) To provide full and part time salaries for SANEs and SAFEs, including pediatric SANEs and SAFEs.

(C) To increase access to SANEs and SAFEs by otherwise providing training, education, or technical assistance relating to the collection, preservation, analysis, and use of DNA samples and DNA evidence by SANEs, SAFEs, and other qualified personnel.

(2) *PREFERENCE FOR GRANTS.*—In reviewing applications for grants under this section, the Attorney General shall give preference to any eligible entity that certifies in the grant application that the entity will coordinate with a rape crisis center or the State sexual assault coalition to facilitate sexual assault advocacy to support sexual assault survivors and use the grant funds to—

(A) establish qualified SANE training programs in localities with a high volume of forensic trauma cases, including adult and child sexual assault, domestic violence, elder abuse, sex trafficking, and strangulation cases;

(B) increase the local and regional availability of full and part time sexual assault nurse examiners in a rural area, Tribal area, an area with a health professional shortage, or for an underserved population, including efforts to provide culturally competent services; or

(C) establish or sustain sexual assault mobile teams or units or otherwise enhance SANE and SAFE access through telehealth.

(c) *DIRECTIVE TO THE ATTORNEY GENERAL.*—

(1) *IN GENERAL.*—Not later than the beginning of fiscal year 2022, the Attorney General shall coordinate with the Secretary to inform health care facilities, including Federally qualified health centers and hospitals, colleges and universities, and other appropriate health-related entities about—

(A) the availability of grant funding under this section; and

(B) the role of sexual assault nurse examiners, both adult and pediatric, and available resources of the Department of Justice and the Department of Health and Human

*Services to train or employ sexual assault nurses examiners to address the needs of communities dealing with sexual assault, domestic violence, sex trafficking, elder abuse, strangulation, and, in particular, the need for pediatric SANEs, including such nurse examiners working in the multidisciplinary setting, in responding to abuse of both children and adolescents.*

(2) *REQUIREMENT.—In carrying out paragraph (1), the Attorney General shall collaborate with nongovernmental organizations representing SANEs.*

(d) *PUBLIC INFORMATION ON ACCESS TO SEXUAL ASSAULT FORENSIC EXAMINATIONS.—*

(1) *IN GENERAL.—Not later than 2 years after the date of enactment of the Supporting Access to Nurse Exams Act, the Attorney General, in consultation with the Secretary, shall establish, and update annually, a public website on the access to forensic nurse examiners.*

(2) *CONTENTS.—The website required under paragraph (1) shall with specificity describe, by State—*

(A) *funding opportunities for SANE training and continuing education; and*

(B) *the availability of sexual assault advocates at locations providing sexual assault forensic exams.*

(3) *REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Supporting Access to Nurse Exams Act, the Attorney General, in consultation with the Secretary, shall submit to the Committee on the Judiciary of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report on—*

(A) *the availability of, and patient access to, trained SANEs and other providers who perform MFEs or sexual assault forensic examinations;*

(B) *the health care facilities, including hospitals or clinics, that offer SANEs and sexual assault forensic examinations and whether each health care facility, including a hospital or clinic, has full-time, part-time, or on-call coverage;*

(C) *regional, provider, or other barriers to access for SANE care and services, including MFEs and sexual assault forensic examinations;*

(D) *State requirements, minimum standards, and protocols for training SANEs, including trauma-informed and culturally competent training standards;*

(E) *State requirements, minimum standards, and protocols for training emergency services personnel involved in MFEs and sexual assault forensic examinations;*

(F) *the availability of sexual assault nurse examiner training, frequency of when training is convened, the providers of such training, the State's role in such training, and what process or procedures are in place for continuing education of such examiners;*



(G) the dedicated Federal and State funding to support SANE training;

(H) funding opportunities for SANE training and continuing education;

(I) the availability of sexual assault advocates at locations providing MFEs and sexual assault forensic exams; and

(J) the total annual cost of conducting sexual assault forensic exams described in section 2010(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10449(b)).

(e) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated \$30,000,000 for each of fiscal years 2023 through 2027 to carry out this section.

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**SEC. 305. [34 U.S.C. 40724] DNA RESEARCH AND DEVELOPMENT.**

(a) *IMPROVING DNA TECHNOLOGY.*—The Attorney General shall make grants for research and development to improve forensic DNA technology, including increasing the identification accuracy and efficiency of DNA analysis, decreasing time and expense, and increasing portability.

(b) *DEMONSTRATION PROJECTS.*—The Attorney General shall make grants to appropriate entities under which research is carried out through demonstration projects involving coordinated training and commitment of resources to law enforcement agencies and key criminal justice participants to demonstrate and evaluate the use of forensic DNA technology in conjunction with other forensic tools. The demonstration projects shall include scientific evaluation of the public safety benefits, improvements to law enforcement operations, and cost-effectiveness of increased collection and use of DNA evidence.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated \$5,000,000 for each of fiscal years 2017 through 2021 to carry out this section.

**SEC. 306. [34 U.S.C. 40725] NATIONAL FORENSIC SCIENCE COMMISSION.**

(a) *APPOINTMENT.*—The Attorney General shall appoint a National Forensic Science Commission (in this section referred to as the “Commission”), composed of persons experienced in criminal justice issues, including persons from the forensic science and criminal justice communities, to carry out the responsibilities under subsection (b).

(b) *RESPONSIBILITIES.*—The Commission shall—

(1) assess the present and future resource needs of the forensic science community;

(2) make recommendations to the Attorney General for maximizing the use of forensic technologies and techniques to solve crimes and protect the public;

(3) identify potential scientific advances that may assist law enforcement in using forensic technologies and techniques to protect the public;

(4) make recommendations to the Attorney General for programs that will increase the number of qualified forensic scientists available to work in public crime laboratories;

(5) disseminate, through the National Institute of Justice, best practices concerning the collection and analyses of forensic evidence to help ensure quality and consistency in the use of forensic technologies and techniques to solve crimes and protect the public;

(6) examine additional issues pertaining to forensic science as requested by the Attorney General;

(7) examine Federal, State, and local privacy protection statutes, regulations, and practices relating to access to, or use of, stored DNA samples or DNA analyses, to determine whether such protections are sufficient;

(8) make specific recommendations to the Attorney General, as necessary, to enhance the protections described in paragraph (7) to ensure—

(A) the appropriate use and dissemination of DNA information;

(B) the accuracy, security, and confidentiality of DNA information;

(C) the timely removal and destruction of obsolete, expunged, or inaccurate DNA information; and

(D) that any other necessary measures are taken to protect privacy; and

(9) provide a forum for the exchange and dissemination of ideas and information in furtherance of the objectives described in paragraphs (1) through (8).

(c) **PERSONNEL; PROCEDURES.**—The Attorney General shall—

(1) designate the Chair of the Commission from among its members;

(2) designate any necessary staff to assist in carrying out the functions of the Commission; and

(3) establish procedures and guidelines for the operations of the Commission.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$500,000 for each of fiscal years 2005 through 2009 to carry out this section.

#### **SEC. 307. FBI DNA PROGRAMS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Federal Bureau of Investigation \$7,400,000 for fiscal year 2017 and \$10,000,000 for each of fiscal years 2018 through 2021 to carry out the DNA programs and activities described under subsection (b).

(b) **PROGRAMS AND ACTIVITIES.**—The Federal Bureau of Investigation may use any amounts appropriated pursuant to subsection (a) for—

(1) nuclear DNA analysis;

(2) mitochondrial DNA analysis;

(3) regional mitochondrial DNA laboratories;

(4) the Combined DNA Index System;

(5) the Federal Convicted Offender DNA Program; and

(6) DNA research and development.

**SEC. 308. [34 U.S.C. 40726] DNA IDENTIFICATION OF MISSING PERSONS.**

(a) **IN GENERAL.**—The Attorney General shall make grants to promote the use of forensic DNA technology to identify missing persons and unidentified human remains.

(b) **REQUIREMENT.**—Each State or unit of local government that receives funding under this section shall be required to submit the DNA profiles of such missing persons and unidentified human remains to the National Missing Persons DNA Database of the Federal Bureau of Investigation.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$2,000,000 for each of fiscal years 2017 through 2021 to carry out this section.

**SEC. 309. ENHANCED CRIMINAL PENALTIES FOR UNAUTHORIZED DISCLOSURE OR USE OF DNA INFORMATION.**

Section 10(c) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(c)) is amended to read as follows:

“(c) **CRIMINAL PENALTY.** A person who knowingly discloses a sample or result described in subsection (a) in any manner to any person not authorized to receive it, or obtains or uses, without authorization, such sample or result, shall be fined not more than \$250,000, or imprisoned for a period of not more than one year. Each instance of disclosure, obtaining, or use shall constitute a separate offense under this subsection.”.

**SEC. 310. TRIBAL COALITION GRANTS.**

(a) **IN GENERAL.**—Section 2001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

“(d) **TRIBAL COALITION GRANTS.**

“(1) **PURPOSE.** The Attorney General shall award grants to tribal domestic violence and sexual assault coalitions for purposes of—

“(A) increasing awareness of domestic violence and sexual assault against American Indian and Alaska Native women;

“(B) enhancing the response to violence against American Indian and Alaska Native women at the tribal, Federal, and State levels; and

“(C) identifying and providing technical assistance to coalition membership and tribal communities to enhance access to essential services to American Indian women victimized by domestic and sexual violence.

“(2) **GRANTS TO TRIBAL COALITIONS.** The Attorney General shall award grants under paragraph (1) to—

“(A) established nonprofit, nongovernmental tribal coalitions addressing domestic violence and sexual assault against American Indian and Alaska Native women; and

“(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaska Native women.

“(3) **ELIGIBILITY FOR OTHER GRANTS.** Receipt of an award under this subsection by tribal domestic violence and sexual assault coalitions shall not preclude the coalition from receiv-

ing additional grants under this title to carry out the purposes described in subsection (b).”.

(b) TECHNICAL AMENDMENT.—Effective as of November 2, 2002, and as if included therein as enacted, Public Law 107-273 (116 Stat. 1789) is amended in section 402(2) by striking “sections 2006 through 2011” and inserting “sections 2007 through 2011”.

(c) AMOUNTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by section 402(2) of Public Law 107-273, as amended by subsection (b)) is amended by amending subsection (b)(4) (42 U.S.C. 3796gg-1(b)(4)) to read as follows:

“(4)  $\frac{1}{54}$  shall be available for grants under section 2001(d);”.

**SEC. 311. EXPANSION OF PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANT PROGRAM.**

(a) FORENSIC BACKLOG ELIMINATION GRANTS.—Section 2804 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797m) is amended—

(1) in subsection (a)—

(A) by striking “shall use the grant to carry out” and inserting “shall use the grant to do any one or more of the following:

“(1) To carry out”; and

(B) by adding at the end the following:

“(2) To eliminate a backlog in the analysis of forensic science evidence, including firearms examination, latent prints, toxicology, controlled substances, forensic pathology, questionable documents, and trace evidence.

“(3) To train, assist, and employ forensic laboratory personnel, as needed, to eliminate such a backlog.”;

(2) in subsection (b), by striking “under this part” and inserting “for the purpose set forth in subsection (a)(1)”; and

(3) by adding at the end the following:

“(e) BACKLOG DEFINED. For purposes of this section, a backlog in the analysis of forensic science evidence exists if such evidence—

“(1) has been stored in a laboratory, medical examiner’s office, coroner’s office, law enforcement storage facility, or medical facility; and

“(2) has not been subjected to all appropriate forensic testing because of a lack of resources or personnel.”.

(b) EXTERNAL AUDITS.—Section 2802 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797k) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(4) a certification that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner’s office, coroner’s office,

law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.”.

(c) **THREE-YEAR EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.**—Section 1001(a)(24) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

- (1) in subparagraph (E), by striking “and” at the end;
- (2) in subparagraph (F), by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:
  - “(G) \$20,000,000 for fiscal year 2007;
  - “(H) \$20,000,000 for fiscal year 2008; and
  - “(I) \$20,000,000 for fiscal year 2009.”.

(d) **TECHNICAL AMENDMENT.**—Section 1001(a) of such Act, as amended by subsection (c), is further amended by realigning paragraphs (24) and (25) so as to be flush with the left margin.

**SEC. 312. REPORT TO CONGRESS.**

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the implementation of this title and title II and the amendments made by this title and title II.

(b) **CONTENTS.**—The report submitted under subsection (a) shall include a description of—

- (1) the progress made by Federal, State, and local entities in—
  - (A) collecting and entering DNA samples from offenders convicted of qualifying offenses for inclusion in the Combined DNA Index System (referred to in this subsection as “CODIS”);
  - (B) analyzing samples from crime scenes, including evidence collected from sexual assaults and other serious violent crimes, and entering such DNA analyses in CODIS; and
  - (C) increasing the capacity of forensic laboratories to conduct DNA analyses;
- (2) the priorities and plan for awarding grants among eligible States and units of local government to ensure that the purposes of this title and title II are carried out;
- (3) the distribution of grant amounts under this title and title II among eligible States and local governments, and whether the distribution of such funds has served the purposes of the Debbie Smith DNA Backlog Grant Program;
- (4) grants awarded and the use of such grants by eligible entities for DNA training and education programs for law enforcement, correctional personnel, court officers, medical personnel, victim service providers, and other personnel authorized under sections 303 and 304;
- (5) grants awarded and the use of such grants by eligible entities to conduct DNA research and development programs to improve forensic DNA technology, and implement demonstration projects under section 305;
- (6) the steps taken to establish the National Forensic Science Commission, and the activities of the Commission under section 306;

(7) the use of funds by the Federal Bureau of Investigation under section 307;

(8) grants awarded and the use of such grants by eligible entities to promote the use of forensic DNA technology to identify missing persons and unidentified human remains under section 308;

(9) grants awarded and the use of such grants by eligible entities to eliminate forensic science backlogs under the amendments made by section 311;

(10) State compliance with the requirements set forth in section 313; and

(11) any other matters considered relevant by the Attorney General.

## TITLE IV—INNOCENCE PROTECTION ACT OF 2004

### SEC. 401. [18 U.S.C. 3600 note] SHORT TITLE.

This title may be cited as the “Innocence Protection Act of 2004”.

## Subtitle A—Exonerating the Innocent Through DNA Testing

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### SEC. 412. [34 U.S.C. 40727] KIRK BLOODSWORTH POST-CONVICTION DNA TESTING GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program to award grants to States to help defray the costs of post-conviction DNA testing.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2017 through 2021 to carry out this section.

(c) STATE DEFINED.—For purposes of this section, the term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

### SEC. 413. [34 U.S.C. 40722 note] INCENTIVE GRANTS TO STATES TO ENSURE CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE.

For each of fiscal years 2017 through 2021, all funds appropriated to carry out sections 303, 305, 308, and 412 shall be reserved for grants to eligible entities that—

(1) meet the requirements under section 303, 305, 308, or 412, as appropriate; and

(2) for eligible entities that are a State or unit of local government, provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

(A) provides DNA testing of specified evidence under a State statute or a State or local rule or regulation to persons sentenced to imprisonment or death for a State felony offense, in a manner intended to ensure a reasonable process for resolving claims of actual innocence that ensures post-conviction DNA testing in at least those cases that would be covered by section 3600(a) of title 18, United States Code, had they been Federal cases and, if the results of the testing exclude the applicant as the source of the DNA, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

(B) preserves biological evidence, as defined in section 3600A of title 18, United States Code, under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of, at a minimum, murder, nonnegligent manslaughter and sexual offenses.

**SEC. 414. [34 U.S.C. 40728] ESTABLISHMENT OF BEST PRACTICES FOR EVIDENCE RETENTION.**

(a) **IN GENERAL.**—The Director of the National Institute of Justice, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall—

(1) establish best practices for evidence retention to focus on the preservation of forensic evidence; and

(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

(b) **DEADLINE.**—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).

(c) **LIMITATION.**—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).

## **Subtitle B—Improving the Quality of Representation in State Capital Cases**

**SEC. 421. [34 U.S.C. 60301] CAPITAL REPRESENTATION IMPROVEMENT GRANTS.**

(a) **IN GENERAL.**—The Attorney General shall award grants to States for the purpose of improving the quality of legal representation provided to indigent defendants in State capital cases.

(b) **DEFINED TERM.**—In this section, the term “legal representation” means legal counsel and investigative, expert, and other services necessary for competent representation.

(c) **USE OF FUNDS.**—Grants awarded under subsection (a)—

(1) shall be used to establish, implement, or improve an effective system for providing competent legal representation to—

- (A) indigents charged with an offense subject to capital punishment;
- (B) indigents who have been sentenced to death and who seek appellate or collateral relief in State court; and
- (C) indigents who have been sentenced to death and who seek review in the Supreme Court of the United States; and
- (2) shall not be used to fund, directly or indirectly, representation in specific capital cases.
- (d) APPORTIONMENT OF FUNDS.—
  - (1) IN GENERAL.—Of the funds awarded under subsection (a)—
    - (A) not less than 75 percent shall be used to carry out the purpose described in subsection (c)(1)(A); and
    - (B) not more than 25 percent shall be used to carry out the purpose described in subsection (c)(1)(B).
    - (2) WAIVER.—The Attorney General may waive the requirement under this subsection for good cause shown.
  - (e) EFFECTIVE SYSTEM.—As used in subsection (c)(1), an effective system for providing competent legal representation is a system that—
    - (1) invests the responsibility for appointing qualified attorneys to represent indigents in capital cases—
      - (A) in a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases;
      - (B) in an entity established by statute or by the highest State court with jurisdiction in criminal cases, which is composed of individuals with demonstrated knowledge and expertise in capital cases, except for individuals currently employed as prosecutors; or
      - (C) pursuant to a statutory procedure enacted before the date of the enactment of this Act under which the trial judge is required to appoint qualified attorneys from a roster maintained by a State or regional selection committee or similar entity; and
    - (2) requires the program described in paragraph (1)(A), the entity described in paragraph (1)(B), or an appropriate entity designated pursuant to the statutory procedure described in paragraph (1)(C), as applicable, to—
      - (A) establish qualifications for attorneys who may be appointed to represent indigents in capital cases;
      - (B) establish and maintain a roster of qualified attorneys;
      - (C) except in the case of a selection committee or similar entity described in paragraph (1)(C), assign 2 attorneys from the roster to represent an indigent in a capital case, or provide the trial judge a list of not more than 2 pairs of attorneys from the roster, from which 1 pair shall be assigned, provided that, in any case in which the State elects not to seek the death penalty, a court may find, subject to any requirement of State law, that a second attorney need not remain assigned to represent the indigent to ensure competent representation;



(D) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases;

(E)(i) monitor the performance of attorneys who are appointed and their attendance at training programs; and

“(ii) remove from the roster attorneys who—

“(I) fail to deliver effective representation or engage in unethical conduct;

“(II) fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs; or

“(III) during the past 5 years, have been sanctioned by a bar association or court for ethical misconduct relating to the attorney’s conduct as defense counsel in a criminal case in Federal or State court;” and

(F) ensure funding for the cost of competent legal representation by the defense team and outside experts selected by counsel, who shall be compensated—

(i) in the case of a State that employs a statutory procedure described in paragraph (1)(C), in accordance with the requirements of that statutory procedure; and

(ii) in all other cases, as follows:

(I) Attorneys employed by a public defender program shall be compensated according to a salary scale that is commensurate with the salary scale of the prosecutor’s office in the jurisdiction.

(II) Appointed attorneys shall be compensated for actual time and service, computed on an hourly basis and at a reasonable hourly rate in light of the qualifications and experience of the attorney and the local market for legal representation in cases reflecting the complexity and responsibility of capital cases.

(III) Non-attorney members of the defense team, including investigators, mitigation specialists, and experts, shall be compensated at a rate that reflects the specialized skills needed by those who assist counsel with the litigation of death penalty cases.

(IV) Attorney and non-attorney members of the defense team shall be reimbursed for reasonable incidental expenses.

**SEC. 422. [34 U.S.C. 60302] CAPITAL PROSECUTION IMPROVEMENT GRANTS.**

(a) **IN GENERAL.**—The Attorney General shall award grants to States for the purpose of enhancing the ability of prosecutors to effectively represent the public in State capital cases.

(b) **USE OF FUNDS.**—

(1) **PERMITTED USES.**—Grants awarded under subsection (a) shall be used for one or more of the following:

(A) To design and implement training programs for State and local prosecutors to ensure effective representation in State capital cases.

(B) To develop and implement appropriate standards and qualifications for State and local prosecutors who litigate State capital cases.

(C) To assess the performance of State and local prosecutors who litigate State capital cases, provided that such assessment shall not include participation by the assessor in the trial of any specific capital case.

(D) To identify and implement any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases.

(E) To establish a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate.

(F) To provide support and assistance to the families of murder victims.

(2) PROHIBITED USE.—Grants awarded under subsection (a) shall not be used to fund, directly or indirectly, the prosecution of specific capital cases.

**SEC. 423. [34 U.S.C. 60303] APPLICATIONS.**

(a) IN GENERAL.—The Attorney General shall establish a process through which a State may apply for a grant under this subtitle.

(b) APPLICATION.—

(1) IN GENERAL.—A State desiring a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain—

(A) a certification by an appropriate officer of the State that the State authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought;

(B) a description of the communities to be served by the grant, including the nature of existing capital defender services and capital prosecution programs within such communities;

(C) a long-term statewide strategy and detailed implementation plan that—

(i) reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations; and

(ii) establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes;

(D) in the case of a State that employs a statutory procedure described in section 421(e)(1)(C), a certification by

an appropriate officer of the State that the State is in substantial compliance with the requirements of the applicable State statute; and

(E) assurances that Federal funds received under this subtitle shall be—

(i) used to supplement and not supplant non-Federal funds that would otherwise be available for activities funded under this subtitle; and

(ii) allocated in accordance with section 426(b).

**SEC. 424. [34 U.S.C. 60304] STATE REPORTS.**

(a) **IN GENERAL.**—Each State receiving funds under this subtitle shall submit an annual report to the Attorney General that—

(1) identifies the activities carried out with such funds; and

(2) explains how each activity complies with the terms and conditions of the grant.

(b) **CAPITAL REPRESENTATION IMPROVEMENT GRANTS.**—With respect to the funds provided under section 421, a report under subsection (a) shall include—

(1) an accounting of all amounts expended;

(2) an explanation of the means by which the State—

(A) invests the responsibility for identifying and appointing qualified attorneys to represent indigents in capital cases in a program described in section 421(e)(1)(A), an entity described in section 421(e)(1)(B), or a selection committee or similar entity described in section 421(e)(1)(C); and

(B) requires such program, entity, or selection committee or similar entity, or other appropriate entity designated pursuant to the statutory procedure described in section 421(e)(1)(C), to—

(i) establish qualifications for attorneys who may be appointed to represent indigents in capital cases in accordance with section 421(e)(2)(A);

(ii) establish and maintain a roster of qualified attorneys in accordance with section 421(e)(2)(B);

(iii) assign attorneys from the roster in accordance with section 421(e)(2)(C);

(iv) conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases in accordance with section 421(e)(2)(D);

(v) monitor the performance and training program attendance of appointed attorneys, and remove from the roster attorneys who fail to deliver effective representation or fail to comply with such requirements as such program, entity, or selection committee or similar entity may establish regarding participation in training programs, in accordance with section 421(e)(2)(E); and

(vi) ensure funding for the cost of competent legal representation by the defense team and outside experts selected by counsel, in accordance with section 421(e)(2)(F), including a statement setting forth—

(I) if the State employs a public defender program under section 421(e)(1)(A), the salaries received by the attorneys employed by such program and the salaries received by attorneys in the prosecutor's office in the jurisdiction;

(II) if the State employs appointed attorneys under section 421(e)(1)(B), the hourly fees received by such attorneys for actual time and service and the basis on which the hourly rate was calculated;

(III) the amounts paid to non-attorney members of the defense team, and the basis on which such amounts were determined; and

(IV) the amounts for which attorney and non-attorney members of the defense team were reimbursed for reasonable incidental expenses;

(3) in the case of a State that employs a statutory procedure described in section 421(e)(1)(C), an assessment of the extent to which the State is in compliance with the requirements of the applicable State statute; and

(4) a statement confirming that the funds have not been used to fund representation in specific capital cases or to supplant non-Federal funds.

(c) CAPITAL PROSECUTION IMPROVEMENT GRANTS.—With respect to the funds provided under section 422, a report under subsection (a) shall include—

(1) an accounting of all amounts expended;

(2) a description of the means by which the State has—

(A) designed and established training programs for State and local prosecutors to ensure effective representation in State capital cases in accordance with section 422(b)(1)(A);

(B) developed and implemented appropriate standards and qualifications for State and local prosecutors who litigate State capital cases in accordance with section 422(b)(1)(B);

(C) assessed the performance of State and local prosecutors who litigate State capital cases in accordance with section 422(b)(1)(C);

(D) identified and implemented any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases in accordance with section 422(b)(1)(D);

(E) established a program under which State and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate in accordance with section 422(b)(1)(E); and

(F) provided support and assistance to the families of murder victims; and

(3) a statement confirming that the funds have not been used to fund the prosecution of specific capital cases or to supplant non-Federal funds.

(d) PUBLIC DISCLOSURE OF ANNUAL STATE REPORTS.—The annual reports to the Attorney General submitted by any State under this section shall be made available to the public.

**SEC. 425. [34 U.S.C. 60305] EVALUATIONS BY INSPECTOR GENERAL AND ADMINISTRATIVE REMEDIES.**

(a) EVALUATION BY INSPECTOR GENERAL.—

(1) IN GENERAL.—As soon as practicable after the end of the first fiscal year for which a State receives funds under a grant made under this subtitle, the Inspector General of the Department of Justice (in this section referred to as the “Inspector General”) shall—

(A) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report evaluating the compliance by the State with the terms and conditions of the grant; and

(B) if the Inspector General concludes that the State is not in compliance with the terms and conditions of the grant, specify any deficiencies and make recommendations to the Attorney General for corrective action.

(2) PRIORITY.—In conducting evaluations under this subsection, the Inspector General shall give priority to States that the Inspector General determines, based on information submitted by the State and other comments provided by any other person, to be at the highest risk of noncompliance.

(3) DETERMINATION FOR STATUTORY PROCEDURE STATES.—For each State that employs a statutory procedure described in section 421(e)(1)(C), the Inspector General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, not later than the end of the first fiscal year for which such State receives funds, a determination as to whether the State is in substantial compliance with the requirements of the applicable State statute.

(4) COMMENTS FROM PUBLIC.—The Inspector General shall receive and consider comments from any member of the public regarding any State’s compliance with the terms and conditions of a grant made under this subtitle. To facilitate the receipt of such comments, the Inspector General shall maintain on its website a form that any member of the public may submit, either electronically or otherwise, providing comments. The Inspector General shall give appropriate consideration to all such public comments in reviewing reports submitted under section 424 or in establishing the priority for conducting evaluations under this section.

(b) ADMINISTRATIVE REVIEW.—

(1) COMMENT.—Upon the submission of a report under subsection (a)(1) or a determination under subsection (a)(3), the Attorney General shall provide the State with an opportunity to comment regarding the findings and conclusions of the report or the determination.

(2) CORRECTIVE ACTION PLAN.—If the Attorney General, after reviewing a report under subsection (a)(1) or a determination under subsection (a)(3), determines that a State is not in compliance with the terms and conditions of the grant, the At-

torney General shall consult with the appropriate State authorities to enter into a plan for corrective action. If the State does not agree to a plan for corrective action that has been approved by the Attorney General within 90 days after the submission of the report under subsection (a)(1) or the determination under subsection (a)(3), the Attorney General shall, within 30 days, issue guidance to the State regarding corrective action to bring the State into compliance.

(3) REPORT TO CONGRESS.—Not later than 90 days after the earlier of the implementation of a corrective action plan or the issuance of guidance under paragraph (2), the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate as to whether the State has taken corrective action and is in compliance with the terms and conditions of the grant.

(c) PENALTIES FOR NONCOMPLIANCE.—If the State fails to take the prescribed corrective action under subsection (b) and is not in compliance with the terms and conditions of the grant, the Attorney General shall discontinue all further funding under sections 421 and 422 and require the State to return the funds granted under such sections for that fiscal year. Nothing in this paragraph shall prevent a State which has been subject to penalties for non-compliance from reapplying for a grant under this subtitle in another fiscal year.

(d) PERIODIC REPORTS.—During the grant period, the Inspector General shall periodically review the compliance of each State with the terms and conditions of the grant.

(e) ADMINISTRATIVE COSTS.—Not less than 2.5 percent of the funds appropriated to carry out this subtitle for each of fiscal years 2005 through 2009 shall be made available to the Inspector General for purposes of carrying out this section. Such sums shall remain available until expended.

(f) SPECIAL RULE FOR “STATUTORY PROCEDURE” STATES NOT IN SUBSTANTIAL COMPLIANCE WITH STATUTORY PROCEDURES.—

(1) IN GENERAL.—In the case of a State that employs a statutory procedure described in section 421(e)(1)(C), if the Inspector General submits a determination under subsection (a)(3) that the State is not in substantial compliance with the requirements of the applicable State statute, then for the period beginning with the date on which that determination was submitted and ending on the date on which the Inspector General determines that the State is in substantial compliance with the requirements of that statute, the funds awarded under this subtitle shall be allocated solely for the uses described in section 421.

(2) RULE OF CONSTRUCTION.—The requirements of this subsection apply in addition to, and not instead of, the other requirements of this section.

#### SEC. 426. [34 U.S.C. 60306] AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR GRANTS.—There are authorized to be appropriated

(1) \$2,500,000 for fiscal year 2017;

- (2) \$7,500,000 for fiscal year 2018;
- (3) \$12,500,000 for fiscal year 2019;
- (4) \$17,500,000 for fiscal year 2020; and
- (5) \$22,500,000 for fiscal year 2021. to carry out this subtitle.<sup>2</sup>

(b) RESTRICTION ON USE OF FUNDS TO ENSURE EQUAL ALLOCATION.—Each State receiving a grant under this subtitle shall allocate the funds equally between the uses described in section 421 and the uses described in section 422, except as provided in section 425(f), or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422.

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<sup>2</sup>So in law. The matter following “year 2021.” in paragraph (5) probably should appear at the end of the matter preceding paragraph (1) that also includes an em dash at the end of such text. See amendment made by section 10(1) of Public Law 114–324.