

117TH CONGRESS
2D SESSION

S. 5033

To reauthorize the Paul Coverdell Forensic Sciences Improvement Grant Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Mr. CORNYN (for himself, Mr. LEAHY, Mr. TILLIS, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reauthorize the Paul Coverdell Forensic Sciences Improvement Grant Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Patrick Leahy and
5 Orrin G. Hatch Justice For All Act of 2022”.

6 **SEC. 2. ENDING THE RAPE KIT BACKLOG.**

7 (a) TRACKING KITS.—Section 2(a)(8) of the DNA
8 Analysis Backlog Elimination Act of 2000 (34 U.S.C.
9 40701(a)(8)) is amended by striking the period at the end
10 and inserting “, including through the implementation,

1 improvement, or operation of sexual assault evidence
2 tracking systems.”.

3 (b) PROGRAM GOALS.—Section 2(o)(1) of the DNA
4 Analysis Backlog Elimination Act of 2000 (34 U.S.C.
5 40701(o)(1)) is amended—

6 (1) in the matter preceding subparagraph (A),
7 by striking “Not later than 18 months after the date
8 of enactment of the SAFER Act of 2013” and in-
9 serting “Not later than 1 year after the date of en-
10 actment of the Patrick Leahy and Orrin G. Hatch
11 Justice For All Act of 2022”;

12 (2) in subparagraph (D), by striking “and” at
13 the end;

14 (3) in subparagraph (E), by striking the period
15 at the end and inserting “; and”; and

16 (4) by adding at the end the following:

17 “(F) a determination of whether elimi-
18 nating the processing backlog of DNA evidence
19 in the United States is a goal of the grant pro-
20 gram established under this section.”.

21 (c) FBI REPORT.—Not later than 180 days, the Di-
22 rector of the Federal Bureau of Investigation shall submit
23 to Congress a report that describes the plan and the
24 standards that must be met, as of the date of the submis-
25 sion of the report, of the Federal Bureau of Investigation

1 to evaluate and validate the use of Rapid DNA instru-
2 ments (as defined in section 3(c) of the DNA Analysis
3 Backlog Elimination Act of 2000 (34 U.S.C. 40702(c))
4 under the Combined DNA Index System of the Federal
5 Bureau of Investigation.

6 **SEC. 3. REQUIREMENTS FOR CODIS ACCESS.**

7 Section 210304 of the Violent Crime Control and
8 Law Enforcement Act of 1994 (34 U.S.C. 12592) is
9 amended by striking subsection (c) and inserting the fol-
10 lowing:

11 “(c) REQUIREMENTS FOR ACCESS.—

12 “(1) IN GENERAL.—

13 “(A) USE OF DNA PROFILES.—Subject to
14 subparagraph (B), reference DNA profiles from
15 victims of sexual assault may only be uploaded
16 and searched by law enforcement databases
17 that use software of the Combined DNA Index
18 System for the purpose of analyzing DNA iden-
19 tification markers for quality control to detect
20 sample contamination.

21 “(B) PROHIBITION.—The reference DNA
22 profiles described in subparagraph (A) may not
23 be uploaded or searched in the National DNA
24 Index System of the Combined DNA Index Sys-
25 tem for any purpose.

1 “(2) CANCELLATION OF ACCESS.—Access to the
 2 index described in subsection (a) is subject to can-
 3 cellation if—

4 “(A) the quality control and privacy re-
 5 quirements described in subsection (b) are not
 6 met; or

7 “(B) a law enforcement agency reports a
 8 non-contamination-related match of a DNA
 9 profile described in paragraph (1)(A) that is
 10 uploaded or searched from the index to a DNA
 11 sample relating to another investigation result-
 12 ing from an elimination database search of
 13 DNA profiles described in paragraph (1)(A) to
 14 an investigator or an officer of a court for the
 15 purpose of a criminal investigation or prosecu-
 16 tion.”.

17 **SEC. 4. RIGHT OF VICTIMS TO BE HEARD.**

18 (a) CRIME VICTIMS’ RIGHTS.—Section 3771(a)(9) of
 19 title 18, United States Code, is amended by striking “in-
 20 formed” and inserting “consulted”.

21 (b) FEDERAL RULES OF CRIMINAL PROCEDURE.—
 22 Rule 11(c)(2) of the Federal Rules of Criminal Procedure
 23 is amended—

24 (1) by striking “The parties” and inserting the
 25 following:

1 “(A) The parties”; and

2 (2) by adding at the end the following:

3 “(B) In the case of a plea agreement for
4 an offense involving sexual assault (as defined
5 in section 3772 of title 18, United States
6 Code), the government shall notify the court if
7 a victim of the offense objects to the plea agree-
8 ment.”.

9 **SEC. 5. VICTIMS’ RIGHTS TO THEIR REPORTS.**

10 Section 3771 of title 18, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) by redesignating paragraph (10) as
14 paragraph (13); and

15 (B) by inserting after paragraph (9) the
16 following:

17 “(10) The right to be provided, upon request,
18 with a copy of the report and evidence on file from
19 the applicable law enforcement or other investigative
20 agency after the investigation is closed, whether
21 closed by arrest or otherwise, except in the case of
22 information that is required to be withheld or re-
23 dacted because release of the information would ad-
24 versely affect an ongoing investigation or harm pub-
25 lic safety.

1 “(11) A free copy of the police or agency report
2 shall be provided to the victim or victim’s represent-
3 ative within a reasonable period of time.

4 “(12) The right to be protected from the disclo-
5 sure of confidential information, including an ad-
6 dress, Social Security number, medical record num-
7 ber, driver’s license number, and employment identi-
8 fication number.”.

9 **SEC. 6. VICTIMS’ SERVICES IMPROVEMENTS.**

10 Section 503(c) of the Victims’ Rights and Restitution
11 Act of 1990 (34 U.S.C. 20141(c)) is amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (B), by inserting
14 “the” before “manner”;

15 (B) in subparagraph (C), by striking
16 “and” at the end;

17 (C) in subparagraph (D), by striking the
18 period at the end and inserting “; and”; and

19 (D) by adding at the end the following:

20 “(E) provide a victim with reasonable re-
21 sources needed to access Federal, State, or local
22 services and relief described in subparagraphs
23 (A), (B), and (C).”;

24 (2) in paragraph (7)—

25 (A) in the first sentence—

1 (i) by inserting “or any crime of vio-
 2 lence (as defined in section 16 of title 18,
 3 United States Code)” after “sexual as-
 4 sault”; and

5 (ii) by inserting “or prosecuting agen-
 6 cy” after “investigating officer”; and

7 (B) in the second sentence, by striking
 8 “The Attorney General” and inserting “For in-
 9 vestigations of sexual assault, the Attorney
 10 General”; and

11 (3) in paragraph (8), by adding at the end the
 12 following: “The responsible official shall also assist
 13 the victim in preparing and providing testimony
 14 when appropriate during the corrections process.”.

15 **SEC. 7. SEXUAL ASSAULT RESPONSE TRAINING FOR LAW**
 16 **ENFORCEMENT OFFICERS.**

17 Section 303(a) of the DNA Sexual Assault Justice
 18 Act of 2004 (34 U.S.C. 40722(a)) is amended, in the mat-
 19 ter preceding paragraph (1), by inserting “, and to imple-
 20 ment evidence-based, trauma-informed practices to other-
 21 wise improve the investigation of, and response to, sexual
 22 assault cases” after “DNA evidence”.

23 **SEC. 8. OFFICE OF INVESTIGATIVE FORENSIC SCIENCES**
 24 **REALIGNMENT.**

25 (a) FINDINGS.—Congress finds the following:

1 (1) Forensic science is the application of sci-
2 entific or technical practices to the recognition, col-
3 lection, analysis, and interpretation of evidence to
4 establish conclusions or opinions, facts, and findings
5 that can be used for criminal and civil law or regu-
6 latory issues.

7 (2) In particular, forensic science plays a piv-
8 otal role in exonerating suspects and wrongfully con-
9 victed individuals, implicating and convicting those
10 who commit crimes, identifying missing person,
11 bringing closure and justice to victims of crime and
12 their families, providing actionable intelligence to
13 law enforcement agencies to solve and prevent crime
14 enabling transparent intelligence-led and data-driven
15 policing, and by providing fact-based evidence for
16 judges and juries which would otherwise not be
17 available.

18 (3) In 2009, the National Academy of Sciences,
19 National Research Council published a report enti-
20 tled “Strengthening Forensic Science in the United
21 States: A Path Forward,” that put forward an agen-
22 da for advancement in the forensic science commu-
23 nity and its associated disciplines.

24 (4) Within the Department of Justice, Office of
25 Justice Programs there was established the National

1 Institute of Justice. The Office of Investigative Fo-
2 rensic Sciences was created as a component of Na-
3 tional Institute of Justice to be the lead department
4 in the Department of Justice for forensic science re-
5 search and development as well as for the adminis-
6 tration of programs that facilitate training, improve
7 laboratory efficiency and reduce backlogs, all in an
8 effort to strengthen forensic science in the United
9 States.

10 (5) The forensic sciences within Federal Gov-
11 ernment departments and agencies are fragmented,
12 with many Federal agencies having some level of fo-
13 rensic science capabilities. There is a need for a cen-
14 tral entity to provide robust leadership on forensic
15 science issues within the Department of Justice. The
16 Office of Investigative Forensic Sciences, currently
17 as a component of the National Institute of Justice,
18 does not have the same standing within the Office
19 of Justice Programs or the Department of Justice
20 as other equally important bureaus and offices.

21 (6) The time is right to realign the Office of In-
22 vestigative Forensic Sciences to the same program
23 office level as other Office of Justice Programs bu-
24 reaus and offices with a presidentially appointed di-
25 rector.

1 (b) ESTABLISHMENT OF THE OFFICE OF INVESTIGA-
2 TIVE FORENSIC SCIENCES.—Part A of title I of the Omni-
3 bus Crime Control and Safe Streets Act of 1968 (34
4 U.S.C. 10101 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 110. OFFICE OF INVESTIGATIVE FORENSIC SCIENCES.**

7 “(a) IN GENERAL.—There is established, within the
8 Office of Justice Programs, a program Office of Investiga-
9 tive Forensic Sciences (referred to in this section as the
10 ‘OIFS’), to be headed by a Director appointed by the
11 President, who shall report directly to the Office of Assist-
12 ant Attorney General for the Office of Justice Programs.

13 “(b) TRANSFER.—There shall be transferred to the
14 OIFS the personnel, including contractors and interns, as-
15 sets, liabilities, contracts, property, records, and unex-
16 pended balance of appropriations, authorizations, alloca-
17 tions, and other funds employed, held, used, arising from,
18 available or to be made available, and the functions, pow-
19 ers, and duties of the following:

20 “(1) Oversight of existing cooperative agree-
21 ments relating to forensic science administered by
22 the Department of Justice and determining the pur-
23 poses and objectives of discretionary grants relating
24 to forensic science administered by the Department
25 of Justice, other than a grant awarded under the

1 Kirk Bloodsworth Post-Conviction DNA Testing
2 Grant Program established under section 412 of the
3 Justice for All Act of 2004 (42 U.S.C. 40727).

4 “(2) The Office of Investigative and Forensic
5 Sciences within the National Institute of Justice.

6 “(3) The forensic components of the Drugs and
7 Crime program in the Office of Research and Eval-
8 uation within the National Institute of Justice.

9 “(4) The digital evidence component of the Of-
10 fice of Science and Technology within the National
11 Institute of Justice.

12 “(c) AUTHORITY.—The OIFS shall have access to
13 and authority to search Federal law enforcement data-
14 bases and shall have assigned to it an Originating Agency
15 Identification (ORI) Number to facilitate the sharing of
16 information between the Office and law enforcement agen-
17 cies.

18 “(d) MISSION.—The mission of the OIFS is to
19 strengthen and promote the use and application of foren-
20 sic science within the judicial system by supporting foren-
21 sic science service providers, as they continually improve
22 the evidence-based, valid, and reliable practice of forensic
23 science with a focus on quality assurance advancement re-
24 search and development conducted through—

1 “(1) a fair, competitive, transparent merit re-
2 view process;

3 “(2) testing and evaluation;

4 “(3) technology;

5 “(4) information exchange;

6 “(5) training;

7 “(6) capacity building for the forensic infra-
8 structure;

9 “(7) the development of systems to implement
10 research into practice; and

11 “(8) the development of systems to address
12 quality management and other improvements to ad-
13 vance justice.

14 “(e) OFFICERS AND STAFF.—

15 “(1) IN GENERAL.—The OIFS shall include—

16 “(A) a Director who shall have, at a min-
17 imum, a Master of Science degree; and

18 “(B) a Deputy Director who shall have, at
19 a minimum, a Bachelor of Science degree.

20 “(2) DETAILEES.—The OIFS may also include
21 employees of the National Institute of Standards
22 and Technology, the National Science Foundation,
23 and Centers for Disease Control and Prevention de-
24 tailed to the Office of Forensic Science on a reim-
25 bursable basis.

1 “(f) LIAISON.—If no detailed positions are filled
2 under subsection (e)(2), the Directors of the National
3 Science Foundation, the National Institute of Standards
4 and Technology, and the Centers for Disease Control,
5 shall each, in consultation with the OIFS, designate a liai-
6 son at each respective agency to facilitate communication
7 between the OIFS and the agencies.

8 “(g) DUTIES AND AUTHORITY.—

9 “(1) IN GENERAL.—The OIFS shall—

10 “(A) have the authorities relating to foren-
11 sic science described in section 202(c);

12 “(B) in coordination with the National In-
13 stitute of Justice, participate in the develop-
14 ment of any Federal forensic science research
15 agenda as the lead representatives on behalf of
16 the Department of Justice, along with other de-
17 partments and agencies of the Federal Govern-
18 ment;

19 “(C) assume and execute the responsibil-
20 ities of the offices, programs, and initiatives
21 transferred under subsection (b), including de-
22 termining the purposes and objectives of discre-
23 tionary grants, oversight of cooperative agree-
24 ments;

1 “(D) assist and support the Forensic Lab-
2 oratory Needs Technology Working Group,
3 Medical Legal Death Investigation Working
4 Group, and Forensic Science Research and De-
5 velopment Technology Working Group in car-
6 rying out the respective functions of the work-
7 ing groups under this title and such other re-
8 lated functions as are necessary to perform the
9 functions; and

10 “(E) evaluate the recommendations of the
11 Forensic Laboratory Needs Technology Work-
12 ing Group, Medical Legal Death Investigation
13 Working Group, and Forensic Science Research
14 and Development Technology Working Group
15 and take actions consistent with the mission of
16 the OIFS.”.

17 (c) DEADLINE.—The transfer required under section
18 820 of title I of the Omnibus Crime Control and Safe
19 Streets Act of 1968, as added by subsection (b), shall be
20 completed on the date that is 180 days after the date of
21 enactment of this Act.

1 **SEC. 9. PAUL COVERDELL FORENSIC SCIENCES IMPROVE-**
2 **MENT GRANTS.**

3 (a) AMENDMENTS.—Part BB of title I of the Omni-
4 bus Crime Control and Safe Streets Act of 1968 (34
5 U.S.C. 10561 et seq.) is amended—

6 (1) in section 2802 (34 U.S.C. 10562)—

7 (A) in the matter preceding paragraph (1),
8 by inserting “(b) APPLICATIONS.—” before “To
9 request”;

10 (B) by striking paragraphs (1) and (2) and
11 inserting the following:

12 “(1) a certification that the State or unit of
13 local government has developed a plan for forensic
14 science service providers and forensic medicine serv-
15 ice providers under a program described in section
16 2804, which shall include a specific description of
17 the manner in which the grant will be used to carry
18 out the plan;

19 “(2)(A) a certification that any forensic science
20 service provider laboratory system, including any
21 laboratory operated by a unit of local government
22 within the State, or forensic medicine service pro-
23 vider in the State, that will receive any portion of
24 the grant amount uses generally accepted laboratory
25 practices and procedures, established by accrediting
26 organizations or appropriate certifying bodies;

1 “(B) except with regard to any forensic medi-
2 cine service provider in the State, a certification—

3 “(i) that any forensic science service pro-
4 vider laboratory system, including any forensic
5 science service provider operated by a unit of
6 local government within the State, that will re-
7 ceive any portion of the grant is accredited by
8 an accrediting body that is a signatory to an
9 internationally recognized arrangement and
10 that offers accreditation to forensic science con-
11 formity assessment bodies using an accredita-
12 tion standard that is recognized by that inter-
13 nationally recognized arrangement; or

14 “(ii) that the State or unit of local govern-
15 ment shall use a portion of the grant amount
16 to prepare and apply for such accreditation as
17 described in clause (i) not later than 2 years
18 after the date on which the grant is awarded
19 under this part; and

20 “(C) a certification that—

21 “(i) any forensic medicine service provider
22 in the State that will receive any portion of the
23 grant amounts is accredited by a accrediting
24 body that is a signatory to an internationally
25 recognized arrangement and that offers accredi-

1 tation to forensic science conformity assessment
2 bodies using an accreditation standard that is
3 recognized by that internationally recognized
4 arrangement, or by an accrediting body that
5 has developed and implemented programs of ac-
6 creditation that promote within the office a
7 quality management system designed to im-
8 prove and maintain quality assurance, integrity
9 and the use of generally accepted laboratory
10 practices and procedures; or

11 “(ii) that the State or unit of local govern-
12 ment shall use a portion of the grant amount
13 to prepare and apply for accreditation described
14 in clause (i) not later than 3 years after the
15 date on which the grant is awarded under this
16 part;”;

17 (C) in paragraph (4)—

18 (i) by striking “that a government en-
19 tity exists and an appropriate process is in
20 place” and inserting “that a named gov-
21 ernment entity has an appropriate process
22 in place”; and

23 (ii) by striking “medical examiner’s
24 office, coroner’s office” and inserting “fo-
25 rensic medicine service provider”;

1 (D) by inserting before subsection (b), as
 2 so designated by subparagraph (A), the fol-
 3 lowing:

4 “(a) DEFINITIONS.—In this section:

5 “(1) FORENSIC MEDICINE SERVICE PRO-
 6 VIDER.—The term ‘forensic medicine service pro-
 7 vider’ means a State or unit of local government fo-
 8 rensic medicine service provider having not fewer
 9 than 1 part-time or full-time employed forensic pa-
 10 thologist, or forensic pathologist under contract, who
 11 conducts medico-legal death investigations, including
 12 examinations of human remains, and who provides
 13 reports or opinion testimony with respect to such ac-
 14 tivity in courts of law within the United States.

15 “(2) FORENSIC SCIENCE SERVICE PROVIDER.—
 16 The term ‘forensic science service provider’ means a
 17 State or unit of local government agency having not
 18 fewer than 1 full-time analyst who examines physical
 19 evidence in criminal or investigative matters and
 20 provides reports or opinion testimony with respect to
 21 such evidence in courts of law in the United
 22 States.”; and

23 (E) by adding at the end the following:

24 “(c) REQUIREMENT.—Not later than 30 days after
 25 the date on which grant funds are dispersed under this

1 part, the Attorney General shall publish on the public
2 website of the Department of Justice—

3 “(1) a list of each forensic laboratory system,
4 forensic medicine service provider, law enforcement
5 storage facility, or medical facility that received the
6 funds; and

7 “(2) as it corresponds to each entity listed
8 under paragraph (1)—

9 “(A) the name of the government entity re-
10 sponsible for conducting independent external
11 investigations under subsection (b)(4)(A);

12 “(B) a description of the process by which
13 the government entity will conduct the inde-
14 pendent external investigations into allegations
15 of serious negligence or misconduct; and

16 “(C) instructions for how a person can file
17 an allegation described in subparagraph (B).”;
18 (2) in section 2803(a) (34 U.S.C. 10563(a))—

19 (A) in paragraph (1), by striking “Eighty-
20 five percent” and inserting the following:

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), 85 percent”; and

23 (B) by adding at the end the following:

24 “(B) ADDITIONAL ALLOCATION REQUIRE-
25 MENTS.—

1 “(i) IN GENERAL.—Of the total
2 amount made to a State for a fiscal year
3 under subparagraph (A), 5 percent shall be
4 allocated for—

5 “(I) forensic science service pro-
6 viders pursuing first-time accredita-
7 tion by an accrediting body that—

8 “(aa) is a signatory to an
9 internationally recognized ar-
10 rangement; and

11 “(bb) offers accreditation to
12 forensic science conformity as-
13 sessment bodies using an accredi-
14 tation standard that is recognized
15 by such internationally recog-
16 nized arrangement; and

17 “(II) forensic medicine service
18 providers pursuing first-time accredi-
19 tation by an accrediting body—

20 “(aa) that—

21 “(AA) is a signatory to
22 an internationally recognized
23 arrangement; and

24 “(BB) offers accredita-
25 tion to forensic science con-

1 formity assessment bodies
2 using an accreditation
3 standard that is recognized
4 by such internationally rec-
5 ognized arrangement;

6 “(bb) that has developed
7 and implemented programs of ac-
8 creditation that promote within
9 the office a quality management
10 system designed to improve and
11 maintain quality assurance, in-
12 tegrity and the use of generally
13 accepted laboratory practices and
14 procedures; or

15 “(cc) attests, in a manner
16 that is legally binding and en-
17 forceable, to use a portion of the
18 grant amount to prepare and
19 apply for such accreditation not
20 more than 3 years after the date
21 on which a grant is awarded
22 under section 2801.

23 “(ii) REQUIREMENT.—

24 “(I) IN GENERAL.—Each State
25 receiving a grant amount for a fiscal

1 year shall submit a certification that
2 the State Administering Agency has
3 made reasonable efforts to notify the
4 forensic science service providers and
5 forensic medicine service providers in
6 the State that not less than 5 percent
7 of the total amount awarded under
8 this part are available for preparation
9 for or fees associated with first-time
10 accreditation.

11 “(II) REASONABLE EFFORTS.—

12 For purposes of subclause (I), reason-
13 able efforts to provide notice include
14 email or mail to known forensic
15 science service provider contacts.

16 “(III) RULE OF CONSTRUC-

17 TION.—Nothing in this clause shall be
18 construed to require that a forensic
19 science service provider or forensic
20 medicine service provider—

21 “(aa) apply for funds de-
22 scribed in this clause; or

23 “(bb) sign a declaration
24 stating the provider does not
25 want the funds.

1 “(IV) OTHER ALLOWABLE
 2 USES.—If any amount of the 5 per-
 3 cent of funds allocated under this sub-
 4 paragraph are not requested or used
 5 by a forensic science service provider
 6 or forensic medicine service provider,
 7 such amount may be allocated by the
 8 State to other allowable grant pur-
 9 poses.”;

10 (3) in section 2804(a)(5) (34 U.S.C.
 11 10564(a)(5)), by inserting “, coroners, and medical-
 12 legal death investigators” before the period at the
 13 end; and

14 (4) in section 2806(a) (34 U.S.C. 10566(a))—

15 (A) in paragraph (1), by inserting “and fo-
 16 rensic pathology or medical-legal death investi-
 17 gator” after “science”;

18 (B) in paragraph (2)—

19 (i) by inserting “or human remains”
 20 after “sample”; and

21 (ii) by inserting “examination or” be-
 22 fore “test results”;

23 (C) in paragraph (3), after “laboratory”
 24 insert “or forensic medicine service provider”;
 25 and

1 (D) in paragraph (4), by inserting “or fo-
 2 rensic medicine service provider” after “pro-
 3 vider”.

4 (b) REAUTHORIZATION.—Section 1001(a)(24) of title
 5 I of the Omnibus Crime Control and Safe Streets Act of
 6 1968 (34 U.S.C. 10261(a)(24)) is amended—

7 (1) by striking subparagraphs (A) through (M);

8 (2) by redesignating subparagraph (N) as sub-
 9 paragraph (A);

10 (3) in subparagraph (A), as so redesignated, by
 11 striking the period at the end and inserting “; and”;
 12 and

13 (4) by adding at the end the following:

14 “(B) \$40,000,000 for fiscal year 2023;

15 “(C) \$43,000,000 for fiscal year 2024;

16 “(D) \$46,000,000 for fiscal year 2025;

17 “(E) \$50,000,000 for fiscal year 2026; and

18 “(F) \$50,000,000 for fiscal year 2027.”.

19 (c) OPERATIONAL NEEDS ASSESSMENT.—

20 (1) IN GENERAL.—Not later than 180 days
 21 after the date of enactment of this Act, and once
 22 every 3 years thereafter, the Attorney General shall
 23 conduct a study and submit a report to the Com-
 24 mittee on the Judiciary of the Senate and the Com-
 25 mittee on the Judiciary of the House of Representa-

1 tives on the projected workload, backlog, personnel,
2 workforce, resource, and equipment needs of forensic
3 science providers and forensic medical service pro-
4 viders.

5 (2) REQUIRED COORDINATION.—The study re-
6 quired under paragraph (1) shall be conducted in
7 conjunction with the Forensic Laboratory Needs-
8 Technology Working Group and the Federal Inter-
9 agency Medicolegal Death Investigation Working
10 Group.

11 (3) CONSIDERATIONS.—The report required
12 under paragraph (1) shall consider—

13 (A) the most recent Bureau of Justice Sta-
14 tistics census reports on Publicly Funded Fo-
15 rensic Science Service Providers, Digital Foren-
16 sic Science Service Providers, and Medical Ex-
17 aminer/Coroner Offices;

18 (B) the Report to Congress: Needs Assess-
19 ment of Forensic Laboratories and Medical Ex-
20 aminer/Coroner Offices, published by the Na-
21 tional Institute of Justice; and

22 (C) the practical and applied implications
23 of any other scientific reports on forensic
24 science with relevance to the operational, qual-

1 ity management, and practical needs of the fo-
2 rensic science community.

3 (4) PUBLIC AVAILABILITY.—The report sub-
4 mitted under paragraph (1) shall be made available
5 to the public.

6 **SEC. 10. REMOVING UNNECESSARY AUTHORIZATIONS.**

7 Title III of the Justice for All Act of 2004 (Public
8 Law 108–405) is amended in section 307(a) by striking
9 “\$7,400,000 for fiscal year 2017 and \$10,000,000 for
10 each of fiscal years 2018 through 2021”.

11 **SEC. 11. IMPROVING THE QUALITY OF REPRESENTATION**
12 **IN STATE CAPITAL CASES.**

13 (a) AUTHORIZATION.—Section 426(a)(5) of the Inno-
14 cence Protection Act of 2004 (34 U.S.C. 60306(a)(5)) is
15 amended by striking “\$22,500,000 for fiscal year 2021.”
16 and inserting “\$12,500,000 for each of fiscal years 2023
17 through 2027,”.

18 (b) AUTHORIZATION OF GRANT PROGRAM TO EN-
19 SURE CASE REVIEW, REPRESENTATION, AND PROVIDE
20 POST-CONVICTION RELIEF.—

21 (1) IN GENERAL.—Subtitle B of title IV of the
22 Justice for All Act of 2004 (34 U.S.C. 60301 et
23 seq.) is amended by adding at the end the following:

1 **“SEC. 427. WRONGFUL CONVICTION REVIEWS.**

2 “(1) PURPOSE.—The Attorney General shall
3 administer grant programs within the Bureau of
4 Justice Assistance, to encourage the review of pos-
5 sible cases of wrongful conviction and facilitate post-
6 conviction relief by establishing or expanding State
7 and local conviction integrity units and by providing
8 high quality representation for defendants litigating
9 post-conviction claims of innocence.

10 “(2) CONVICTION INTEGRITY UNIT GRANTS.—

11 “(A) ELIGIBLE ENTITY DEFINED.—In this
12 paragraph, the term ‘eligible entity’ means a
13 prosecutor’s office or a State attorney general’s
14 office that may work in partnership with a non-
15 profit organization, law school innocence clinic,
16 or public defender’s office dedicated to receiving
17 petitions for or reviewing wrongful convictions
18 and wrongful sentences.

19 “(B) AUTHORIZATION.—The Attorney
20 General, acting through the Director of the Bu-
21 reau of Justice Assistance, shall make grants to
22 eligible entities for the purpose of creating
23 State and local conviction integrity units or en-
24 tities.

1 “(C) APPLICATION REQUIREMENTS.—Each
2 application for a grant under this paragraph
3 shall—

4 “(i) demonstrate a plan by the appli-
5 cant to create, maintain, or expand a State
6 or local conviction integrity unit with the
7 intention to conduct substantive, evidence-
8 based conviction review;

9 “(ii) develop a tool to survey or con-
10 duct focus groups with community mem-
11 bers, non-profit organizations, or public de-
12 fender offices dedicated to receiving peti-
13 tions for or reviewing wrongful convictions,
14 and existing local Conviction Integrity
15 Units in order to identify—

16 “(I) the needs of individuals or
17 their counsel seeking review of their
18 convictions or sentences; and

19 “(II) the needs of existing local
20 conviction integrity units and non-
21 profit organizations or public defend-
22 er’s offices dedicated to receiving peti-
23 tions for or reviewing wrongful convic-
24 tions;

1 “(iii) use the information gathered
2 under clause (ii) and conviction integrity
3 unit best practices to advise procedural
4 conduct in conviction review;

5 “(iv) develop procedures to ensure
6 that conviction integrity unit is able to op-
7 erate independently in rules and practice
8 from the other units within the district at-
9 torney’s offices or any prosecutors pre-
10 viously involved with the case;

11 “(v) in the case of a prosecutor’s of-
12 fice that cannot meet the requirement in
13 clause (iv) because of the size of the office,
14 provide a written policy detailing reason-
15 able steps that shall be taken to preserve
16 independence and ethical integrity during
17 the investigation;

18 “(vi) allow for meaningful participa-
19 tion in the review process by petitioner’s
20 counsel; and

21 “(vii) develop victim notification pro-
22 cedures for final exonerations as appro-
23 priate.

24 “(D) PREFERENCE.—In awarding grants
25 under this paragraph, the Attorney General

1 shall give preference to applicants who dem-
 2 onstrate a partnership with a nonprofit organi-
 3 zation, law school innocence clinic, or public de-
 4 fender's office dedicated to receiving petitions
 5 for or review wrongful convictions and wrongful
 6 sentences.

7 “(E) AUTHORIZATION OF APPROPRIA-
 8 TIONS.—There are authorized to be appro-
 9 priated \$10,000,000 for each of fiscal years
 10 2023 through 2027 to carry out this paragraph,
 11 of which not more than 5 percent of the grant
 12 funding shall be used for training and technical
 13 assistance for grantees.

14 “(3) WRONGFUL CONVICTION REVIEW
 15 GRANTS.—

16 “(A) ELIGIBLE ENTITY DEFINED.—In this
 17 paragraph, the term ‘eligible entity’ means a
 18 non-profit organization, institution of higher
 19 education, or State or local public defender of-
 20 fice that has in-house post-conviction represen-
 21 tation programs that show demonstrable experi-
 22 ence or competence in litigating post-conviction
 23 claims of innocence.

24 “(B) AUTHORIZATION.—The Attorney
 25 General shall establish a wrongful conviction re-

1 view grant program and award grants to eligi-
2 ble entities for the purpose of providing high
3 quality post-conviction representation for de-
4 fendants in post-conviction claims of innocence.

5 “(C) USE OF FUNDS.—A grant awarded
6 under this paragraph shall be used to support
7 an eligible entity in providing—

8 “(i) post-conviction legal representa-
9 tion of innocence claims;

10 “(ii) case review, evaluation, and man-
11 agement;

12 “(iii) experts;

13 “(iv) potentially exonerative forensic
14 testing by a forensic service provider that
15 is accredited by an accrediting body that—

16 “(I) is a signatory to an inter-
17 nationally recognized arrangement;
18 and

19 “(II) offers accreditation to fo-
20 rensic science conformity assessment
21 bodies using an accreditation standard
22 that is recognized by the internation-
23 ally recognized arrangement described
24 in subclause (I); and

1 “(v) investigation services related to
 2 supporting these post-conviction innocence
 3 claims.

4 “(D) AUTHORIZATION OF APPROPRIA-
 5 TIONS.—There are authorized to be appro-
 6 priated to carry out this paragraph—

7 “(i) \$15,000,000 for fiscal year 2023;

8 “(ii) \$18,000,000 for fiscal year 2024;

9 “(iii) \$22,000,000 for fiscal year
 10 2025;

11 “(iv) \$26,000,000 for fiscal year
 12 2026; and

13 “(v) \$30,000,000 for fiscal year
 14 2027.”.

15 (2) CLERICAL AMENDMENT.—The table of con-
 16 tents in section 1(b) of the Justice for All Act of
 17 2004 (Public Law 108–405; 118 Stat. 2260) is
 18 amended by inserting after the item relating to sec-
 19 tion 426 the following:

“Sec. 427. Wrongful conviction reviews.”.

20 **SEC. 12. KIRK BLOODSWORTH POST-CONVICTION DNA**
 21 **TESTING GRANT PROGRAM.**

22 (a) REAUTHORIZATION.—The Innocence Protection
 23 Act of 2004 (title IV of Public Law 108–405; 118 Stat.
 24 2278) is amended—

1 (1) in section 412(a) (34 U.S.C. 40727(a)), by
2 inserting “and units of local government” after
3 “States”; and

4 (2) in section 413 (34 U.S.C. 40722 note)—

5 (A) in the matter preceding paragraph (1),
6 by striking “2017 through 2021” and inserting
7 “2022 through 2026”; and

8 (B) by striking paragraph (2) and insert-
9 ing the following:

10 “(2) demonstrate the existence of current laws,
11 regulations, or policies for relevant jurisdictions in
12 the State in which the eligible entity operates that
13 require preservation of biological evidence secured in
14 relation to the investigation or prosecution of a
15 State offense—

16 “(A) under a State statute or a State or
17 local rule, regulation, or practice, in a manner
18 that seeks to ensure that reasonable measures
19 are taken by jurisdictions within the State to
20 preserve such evidence; or

21 “(B) under a State statute or a State or
22 local rule, regulation, or practice, in a manner
23 comparable to section 3600A of title 18, United
24 States Code, if—

1 “(i) jurisdictions within the State that
 2 would benefit from this grant program
 3 comply with this requirement; and

4 “(ii) such jurisdictions may preserve
 5 such evidence for longer than the period of
 6 time that such evidence would be required
 7 to be preserved under such section
 8 3600A.”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 10 412 of the Innocence Protection Act of 2004 (34 U.S.C.
 11 40727) is amended by striking subsection (b) and insert-
 12 ing the following:

13 “(b) APPROPRIATION.—There are authorized to be
 14 appropriated—

15 “(1) \$15,000,000 for fiscal year 2023;

16 “(2) \$18,000,000 for fiscal year 2024;

17 “(3) \$22,000,000 for fiscal year 2025;

18 “(4) \$26,000,000 for fiscal year 2026; and

19 “(5) \$30,000,000 for fiscal year 2027.”.

20 **SEC. 13. ADDITIONAL DNA-RELATED REAUTHORIZATIONS.**

21 (a) DNA RESEARCH AND DEVELOPMENT.—Section
 22 305(c) of the DNA Sexual Assault Justice Act of 2004
 23 (34 U.S.C. 40724(c)) is amended by striking “2017
 24 through 2021” and inserting “2023 through 2027”.

1 (b) DNA IDENTIFICATION OF MISSING PERSONS.—
2 Section 308(c) of the DNA Sexual Assault Justice Act of
3 2004 (34 U.S.C. 40726(c)) is amended by striking “2017
4 through 2021” and inserting “2023 through 2027”.

5 **SEC. 14. ACCOUNTABILITY.**

6 For fiscal year 2023, and each fiscal year thereafter,
7 all grants awarded by the Department of Justice that are
8 authorized under this Act shall be subject to the following
9 accountability provisions:

10 (1) AUDIT REQUIREMENT.—

11 (A) DEFINITION.—In this paragraph, the
12 term “unresolved audit finding” means an audit
13 report finding in the final audit report of the
14 Inspector General of the Department of Justice
15 that the grantee has utilized grant funds for an
16 unauthorized expenditure or otherwise unallow-
17 able cost that is not closed or resolved during
18 the 12-month period beginning on the date on
19 which the final audit report is issued.

20 (B) REQUIREMENT.—Beginning in fiscal
21 year 2023, and in each fiscal year thereafter,
22 the Inspector General of the Department of
23 Justice shall conduct audits of recipients of
24 grants under this Act to prevent waste, fraud,
25 and abuse of funds by grantees. The Inspector

1 General shall determine the appropriate number
2 of grantees to be audited each year.

3 (C) MANDATORY EXCLUSION.—A recipient
4 of grant funds under this Act that is found to
5 have an unresolved audit finding shall not be el-
6 igible to receive grant funds under this Act dur-
7 ing the first 2 fiscal years beginning after the
8 end of the 12-month period described in sub-
9 paragraph (A).

10 (D) PRIORITY.—In awarding grants under
11 this Act, the Attorney General shall give pri-
12 ority to eligible entities that, during the 3 fiscal
13 years before submitting an application for a
14 grant under this Act, did not have an unre-
15 solved audit finding showing a violation in the
16 terms or conditions of a Department of Justice
17 grant program.

18 (E) REIMBURSEMENT.—If an entity is
19 awarded grant funds under this Act during the
20 2-fiscal-year period during which the entity is
21 barred from receiving grants under subpara-
22 graph (C), the Attorney General shall—

23 (i) deposit an amount equal to the
24 amount of the grant funds that were im-

properly awarded to the grantee into the
General Fund of the Treasury; and

(ii) seek to recoup the costs of the re-
payment to the fund from the grant recipi-
ent that was erroneously awarded grant
funds.

(2) NONPROFIT ORGANIZATION REQUIRE-
MENTS.—

(A) DEFINITION.—For purposes of this
section and the grant programs authorized
under this Act, the term “nonprofit organiza-
tion” means an organization that is described
in section 501(c)(3) of the Internal Revenue
Code of 1986 and is exempt from taxation
under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General
may not award a grant under this Act to a non-
profit organization that holds money in offshore
accounts for the purpose of avoiding paying the
tax described in section 511(a) of the Internal
Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organi-
zation that is awarded a grant under this Act
and uses the procedures prescribed in regula-
tions to create a rebuttable presumption of rea-

sonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy (as designated by the Deputy Attorney General)

1 provides prior written authorization that the
2 funds may be expended to host the conference,
3 or was approved by the Attorney General
4 through the application process and subsequent
5 cooperative agreement award and any approved
6 revisions.

7 (B) WRITTEN APPROVAL.—Written ap-
8 proval under subparagraph (A) shall include a
9 written estimate of all costs associated with the
10 conference, including the cost of all food, bev-
11 erages, audio-visual equipment, honoraria for
12 speakers, and entertainment.

13 (C) REPORT.—The Deputy Attorney Gen-
14 eral shall submit an annual report to the Com-
15 mittee on the Judiciary of the Senate and the
16 Committee on the Judiciary of the House of
17 Representatives on all conference expenditures
18 approved under this paragraph.

19 (4) ANNUAL CERTIFICATION.—Beginning in fis-
20 cal year 2023, the Attorney General shall submit, to
21 the Committee on the Judiciary and the Committee
22 on Appropriations of the Senate and the Committee
23 on the Judiciary and the Committee on Appropria-
24 tions of the House of Representatives, an annual
25 certification indicating whether—

1 (A) all audits issued by the Office of the
 2 Inspector General under paragraph (1) have
 3 been completed and reviewed by the appropriate
 4 Assistant Attorney General or Director;

5 (B) all mandatory exclusions required
 6 under paragraph (1)(C) have been issued, which
 7 includes a list of any grant recipients excluded
 8 under paragraph (1) from the previous year;
 9 and

10 (C) all reimbursements required under
 11 paragraph (1)(E) have been made.

12 (5) PROHIBITION ON LOBBYING ACTIVITY.—

13 (A) IN GENERAL.—Amounts authorized to
 14 be appropriated under this Act may not be uti-
 15 lized by any grant recipient to—

16 (i) lobby any representative of the De-
 17 partment of Justice regarding the award of
 18 grant funding; or

19 (ii) lobby any representative of a Fed-
 20 eral, State, local, or Tribal government re-
 21 garding the award of grant funding.

22 (B) PENALTY.—If the Attorney General
 23 determines that any recipient of a grant under
 24 this Act has violated subparagraph (A), the At-
 25 torney General shall—

- 1 (i) require the grant recipient to repay
2 the grant in full; and
3 (ii) prohibit the grant recipient from
4 receiving another grant under this Act for
5 not less than 5 years.

6 (6) OTHER PROHIBITIONS.—None of the funds
7 provided under this Act shall be used by grant or co-
8 operative agreement recipients as a management fee
9 or profit for the purpose of circumventing statutory
10 or other limitations included in the terms and condi-
11 tions of the award on otherwise allowable costs, in-
12 cluding the use of management fees or profit to pur-
13 chase alcoholic beverages, entertainment, meals for
14 non-business purposes, and membership dues for so-
15 cial or sporting clubs.

16 (7) PREVENTING DUPLICATIVE GRANTS.—

17 (A) IN GENERAL.—Before the Attorney
18 General awards a grant to an applicant under
19 this Act, the Attorney General shall compare
20 potential grant awards with other grants
21 awarded under this Act to determine whether
22 duplicate grants are awarded for the same pur-
23 pose.

24 (B) REPORT.—If the Attorney General
25 awards duplicate grants to the same applicant

1 for the same purpose, the Attorney General
2 shall submit to the Committee on the Judiciary
3 of the Senate and the Committee on the Judiciary
4 of the House of Representatives a report
5 that includes—

6 (i) a list of all duplicate grants award-
7 ed, including the total dollar amount of
8 any duplicate grants awarded; and

9 (ii) the reason the Attorney General
10 awarded the duplicate grants.

○