

**(c) Capital prosecution improvement grants**

With respect to the funds provided under section 60302 of this title, 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 60302(b)(1)(A) of this title;

(B) developed and implemented appropriate standards and qualifications for State and local prosecutors who litigate State capital cases in accordance with section 60302(b)(1)(B) of this title;

(C) assessed the performance of State and local prosecutors who litigate State capital cases in accordance with section 60302(b)(1)(C) of this title;

(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 60302(b)(1)(D) of this title;

(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 60302(b)(1)(E) of this title; 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.

(Pub. L. 108-405, title IV, §424, Oct. 30, 2004, 118 Stat. 2289.)

## CODIFICATION

Section was formerly classified to section 14163c of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 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 chapter, 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 non-compliance.

**(3) Determination for statutory procedure States**

For each State that employs a statutory procedure described in section 60301(e)(1)(C) of this title, 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 chapter. 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 60304 of this title 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 Attorney 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 60301 and 60302 of this title 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 noncompliance from reapplying for a grant under this chapter 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 chapter 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 60301(e)(1)(C) of this title, 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 chapter shall be allocated solely for the uses described in section 60301 of this title.

**(2) Rule of construction**

The requirements of this subsection apply in addition to, and not instead of, the other requirements of this section.

(Pub. L. 108–405, title IV, §425, Oct. 30, 2004, 118 Stat. 2291.)

CODIFICATION

Section was formerly classified to section 14163d of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

**§ 60306. Authorization of appropriations**

**(a) Authorization for grants**

There are authorized to be appropriated<sup>1</sup>

- (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.<sup>2</sup>

to carry out this chapter.

**(b) Restriction on use of funds to ensure equal allocation**

Each State receiving a grant under this chapter shall allocate the funds equally between the uses described in section 60301 of this title and the uses described in section 60302 of this title, except as provided in section 60305(f) of this title, 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 60301 and 60302 of this title.

(Pub. L. 108–405, title IV, §426, Oct. 30, 2004, 118 Stat. 2292; Pub. L. 114–324, §10, Dec. 16, 2016, 130 Stat. 1956.)

CODIFICATION

Section was formerly classified to section 14163e of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section. Some section numbers or references in amendment notes below reflect the classification of such sections or references prior to editorial reclassification.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114–324, §10(1), which directed substitution of pars. (1) to (5) for “\$75,000,000 for each of fiscal years 2005 through 2009”, was executed by making the substitution and setting out the remaining phrase “to carry out this part.”, which was not directed to be struck out, as concluding provisions.

Subsec. (b). Pub. L. 114–324, §10(2), inserted before period at end “, 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 14163 and 14163a of this title”.

**CHAPTER 605—RECIDIVISM PREVENTION**

- Sec. 60501. Purposes; findings.
- 60502. Definitions.
- 60503. Submission of reports to Congress.
- 60504. Rule of construction.
- 60505. Audit and accountability of grantees.
- 60506. Federal interagency reentry coordination.

**SUBCHAPTER I—NEW AND INNOVATIVE PROGRAMS TO IMPROVE OFFENDER REENTRY SERVICES**

- 60511. Careers training demonstration grants.

**SUBCHAPTER II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS**

**PART A—DRUG TREATMENT**

- 60521. Offender reentry substance abuse and criminal justice collaboration program.

**PART B—MENTORING**

- 60531. Community-based mentoring and transitional service grants to nonprofit organizations.
- 60532. Repealed.
- 60533. Bureau of Prisons policy on mentoring contacts.
- 60534. Bureau of Prisons policy on chapel library materials.

<sup>1</sup> So in original. Probably should be followed by a dash.

<sup>2</sup> So in original.