

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—113th Cong., 2d Sess.

S. 1799

To reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. COONS

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Victims of Child Abuse
5 Act Reauthorization Act of 2013”.

6 **SEC. 2. IMPROVING INVESTIGATION AND PROSECUTION OF
7 CHILD ABUSE CASES.**

8 (a) REAUTHORIZATION.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is
9 amended—
10

1 (1) in subsection (a), by striking “fiscal years
2 2004 and 2005” and inserting “fiscal years 2014,
3 2015, 2016, 2017, and 2018”; and

4 (2) in subsection (b), by striking “fiscal years
5 2004 and 2005” and inserting “fiscal years 2014,
6 2015, 2016, 2017, and 2018”.

7 (b) **ACCOUNTABILITY.**—Subtitle A of the Victims of
8 Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is
9 amended by adding at the end the following:

10 **“SEC. 214C. ACCOUNTABILITY.**

11 “All grants awarded by the Administrator under this
12 subtitle shall be subject to the following accountability
13 provisions:

14 “(1) **AUDIT REQUIREMENT.**—

15 “(A) **DEFINITION.**—In this paragraph, the
16 term ‘unresolved audit finding’ means a finding
17 in the final audit report of the Inspector Gen-
18 eral of the Department of Justice that the au-
19 dited grantee has utilized grant funds for an
20 unauthorized expenditure or otherwise unallow-
21 able cost that is not closed or resolved within
22 12 months from the date when the final audit
23 report is issued and any appeal has been com-
24 pleted.

1 “(B) AUDIT.—The Inspector General of
2 the Department of Justice shall conduct audits
3 of recipients of grants under this subtitle to
4 prevent waste, fraud, and abuse of funds by
5 grantees. The Inspector General shall determine
6 the appropriate number of grantees to be au-
7 dited each year.

8 “(C) MANDATORY EXCLUSION.—A recipi-
9 ent of grant funds under this subtitle that is
10 found to have an unresolved audit finding shall
11 not be eligible to receive grant funds under this
12 subtitle during the following 2 fiscal years.

13 “(D) PRIORITY.—In awarding grants
14 under this subtitle, the Administrator shall give
15 priority to eligible entities that did not have an
16 unresolved audit finding during the 3 fiscal
17 years prior to submitting an application for a
18 grant under this subtitle.

19 “(E) REIMBURSEMENT.—If an entity is
20 awarded grant funds under this subtitle during
21 the 2-fiscal-year period in which the entity is
22 barred from receiving grants under paragraph
23 (2), the Administrator shall—

24 “(i) deposit an amount equal to the
25 grant funds that were improperly awarded

1 to the grantee into the General Fund of
2 the Treasury; and

3 “(ii) seek to recoup the costs of the
4 repayment to the fund from the grant re-
5 cipient that was erroneously awarded grant
6 funds.

7 “(2) NONPROFIT ORGANIZATION REQUIRE-
8 MENTS.—

9 “(A) DEFINITION.—For purposes of this
10 paragraph, the term ‘nonprofit organization’
11 means an organization that is described in sec-
12 tion 501(c)(3) of the Internal Revenue Code of
13 1986 and is exempt from taxation under section
14 501(a) of such Code.

15 “(B) PROHIBITION.—The Administrator
16 may not award a grant under any grant pro-
17 gram described in this subtitle to a nonprofit
18 organization that holds money in offshore ac-
19 counts for the purpose of avoiding paying the
20 tax described in section 511(a) of the Internal
21 Revenue Code of 1986.

22 “(C) DISCLOSURE.—Each nonprofit orga-
23 nization that is awarded a grant under this sub-
24 title and uses the procedures prescribed in reg-
25 ulations to create a rebuttable presumption of

1 reasonableness for the compensation of its offi-
2 cers, directors, trustees and key employees,
3 shall disclose to the Administrator, in the appli-
4 cation for the grant, the process for deter-
5 mining such compensation, including the inde-
6 pendent persons involved in reviewing and ap-
7 proving such compensation, the comparability
8 data used, and contemporaneous substantiation
9 of the deliberation and decision. Upon request,
10 the Administrator shall make the information
11 disclosed under this subparagraph available for
12 public inspection.

13 “(3) CONFERENCE EXPENDITURES.—

14 “(A) LIMITATION.—No amounts author-
15 ized to be appropriated to the Department of
16 Justice under this subtitle may be used by the
17 Administrator, or by any individual or organiza-
18 tion awarded discretionary funds through a co-
19 operative agreement under this Act, to host or
20 support any expenditure for conferences that
21 uses more than \$20,000 in Department funds,
22 unless the Deputy Attorney General or such As-
23 sistant Attorney Generals, Directors, or prin-
24 cipal deputies as the Deputy Attorney General
25 may designate, including the Administrator,

1 provides prior written authorization through an
2 award process or subsequent application that
3 the funds may be expended to host a con-
4 ference.

5 “(B) WRITTEN APPROVAL.—Written ap-
6 proval under subparagraph (A) shall include a
7 written estimate of all costs associated with the
8 conference, including the cost of all food and
9 beverages, audiovisual equipment, honoraria for
10 speakers, and any entertainment.

11 “(C) REPORT.—The Deputy Attorney Gen-
12 eral shall submit an annual report to the Com-
13 mittee on the Judiciary of the Senate and the
14 Committee on the Judiciary of the House of
15 Representatives on all approved conference ex-
16 penditures referenced in this paragraph.”.

17 **SEC. 3. CRIME VICTIMS FUND.**

18 Section 1402(d)(3) of the Victims of Crime Act of
19 1984 (42 U.S.C. 10601(d)(3)) is amended—

20 (1) by inserting “(A)” before “Of the sums”;

21 and

22 (2) by striking “available for the United States
23 Attorneys Offices” and all that follows and inserting
24 the following: “available only for—

1 “(i) the United States Attorneys Of-
2 fices and the Federal Bureau of Investiga-
3 tion to provide and improve services for
4 the benefit of crime victims in the Federal
5 criminal justice system (as described in
6 3771 of title 18, United States Code, and
7 section 503 of the Victims’ Rights and
8 Restitution Act of 1990 (42 U.S.C.
9 10607)) through victim coordinators, vic-
10 tims’ specialists, and advocates, including
11 for the administrative support of victim co-
12 ordinators and advocates providing such
13 services; and

14 “(ii) a Victim Notification System.

15 “(B) Amounts made available under sub-
16 paragraph (A) may not be used for any purpose
17 that is not specified in clause (i) or (ii) of sub-
18 paragraph (A).”.