

In the House of Representatives, U. S.,

November 29, 2016.

Resolved, That the bill from the Senate (S. 2577) entitled “An Act to protect crime victims’ rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Justice for All Reauthor-*
3 *ization Act of 2016”.*

4 ***SEC. 2. CRIME VICTIMS’ RIGHTS.***

5 *(a) RESTITUTION DURING SUPERVISED RELEASE.—*

6 *Section 3583(d) of title 18, United States Code, is amended*

7 *in the first sentence by inserting “, that the defendant make*

8 *restitution in accordance with sections 3663 and 3663A, or*

1 *any other statute authorizing a sentence of restitution,”*
2 *after “supervision”.*

3 (b) *COLLECTION OF RESTITUTION FROM DEFEND-*
4 *ANT’S ESTATE.*—Section 3613(b) of title 18, United States
5 Code, is amended by adding at the end the following: “The
6 liability to pay restitution shall terminate on the date that
7 is the later of 20 years from the entry of judgment or 20
8 years after the release from imprisonment of the person or-
9 dered to pay restitution. In the event of the death of the
10 person ordered to pay restitution, the individual’s estate
11 will be held responsible for any unpaid balance of the res-
12 titution amount, and the lien provided in subsection (c) of
13 this section shall continue until the estate receives a written
14 release of that liability.”.

15 (c) *VICTIM INTERPRETERS.*—Rule 28 of the Federal
16 Rules of Criminal Procedure is amended in the first sen-
17 tence by inserting before the period at the end the following:
18 “, including an interpreter for the victim”.

19 (d) *GAO STUDY.*—

20 (1) *IN GENERAL.*—Not later than 180 days after
21 the date of enactment of this Act, the Comptroller
22 General of the United States shall—

23 (A) *conduct a study to determine whether*
24 *enhancing the restitution provisions under sec-*
25 *tions 3663 and 3663A of title 18, United States*

1 *Code, to provide courts broader authority to*
2 *award restitution for Federal offenses would be*
3 *beneficial to crime victims and what other fac-*
4 *tors Congress should consider in weighing such*
5 *changes; and*

6 *(B) submit to Congress a report on the*
7 *study conducted under subparagraph (A).*

8 (2) *CONTENTS.—In conducting the study under*
9 *paragraph (1), the Comptroller General shall focus on*
10 *the benefits to crime victims that would result if the*
11 *restitution provisions under sections 3663 and 3663A*
12 *of title 18, United States Code, were expanded—*

13 *(A) to apply to victims who have suffered*
14 *harm, injury, or loss that would not have oc-*
15 *curred but for the defendant's related conduct;*

16 *(B) in the case of an offense resulting in*
17 *bodily injury resulting in the victim's death, to*
18 *allow the court to use its discretion to award an*
19 *appropriate sum to reflect the income lost by the*
20 *victim's surviving family members or estate as a*
21 *result of the victim's death;*

22 *(C) to require that the defendant pay to the*
23 *victim an amount determined by the court to re-*
24 *store the victim to the position he or she would*

1 *have been in had the defendant not committed*
2 *the offense; and*

3 *(D) to require that the defendant com-*
4 *pensate the victim for any injury, harm, or loss,*
5 *including emotional distress, that occurred as a*
6 *result of the offense.*

7 **SEC. 3. REDUCING THE RAPE KIT BACKLOG.**

8 *(a) IN GENERAL.—Of the amounts made available to*
9 *the Attorney General for a DNA Analysis and capacity en-*
10 *hancement program and for other local, State, and Federal*
11 *forensic activities under the heading “STATE AND LOCAL*
12 *LAW ENFORCEMENT” under the heading “OFFICE OF JUS-*
13 *TICE PROGRAMS” under the heading “DEPARTMENT OF*
14 *JUSTICE” in fiscal years 2018, 2019, 2020, and 2021—*

15 *(1) not less than 75 percent of such amounts*
16 *shall be provided for grants for activities described*
17 *under paragraphs (1), (2), and (3) of section 2(a) of*
18 *the DNA Analysis Backlog Elimination Act of 2000*
19 *(42 U.S.C. 14135(a)); and*

20 *(2) not less than 5 percent of such amounts shall*
21 *be provided for grants for law enforcement agencies to*
22 *conduct audits of their backlogged rape kits under sec-*
23 *tion 2(a)(7) of the DNA Analysis Backlog Elimini-*
24 *ation Act of 2000 (42 U.S.C. 14135(a)(7)) to create*
25 *and operate associated tracking systems and to*

1 *prioritize testing in those cases in which the statute*
2 *of limitation will soon expire.*

3 *(b) REPORTING.—*

4 *(1) REPORT BY GRANT RECIPIENTS.—With re-*
5 *spect to amounts made available to the Attorney Gen-*
6 *eral for a DNA Analysis and capacity enhancement*
7 *program and for other local, State, and Federal foren-*
8 *sic activities under the heading “STATE AND LOCAL*
9 *LAW ENFORCEMENT” under the heading “OFFICE OF*
10 *JUSTICE PROGRAMS” under the heading “DEPART-*
11 *MENT OF JUSTICE”, the Attorney General shall re-*
12 *quire recipients of the amounts to report on the effec-*
13 *tiveness of the activities carried out using the*
14 *amounts, including any information the Attorney*
15 *General needs in order to submit the report required*
16 *under paragraph (2).*

17 *(2) REPORT TO CONGRESS.—Not later than 1*
18 *month after the last day of each even-numbered fiscal*
19 *year, the Attorney General shall submit to the Com-*
20 *mittee on the Judiciary of the Senate and the Com-*
21 *mittee on the Judiciary of the House of Representa-*
22 *tives a report that includes, for each recipient of*
23 *amounts described in paragraph (1)—*

24 *(A) the amounts distributed to the recipient;*

1 (B) a summary of the purposes for which
 2 the amounts were used and an evaluation of the
 3 progress of the recipient in achieving those pur-
 4 poses;

5 (C) a statistical summary of the crime scene
 6 samples and arrestee or offender samples sub-
 7 mitted to laboratories, the average time between
 8 the submission of a sample to a laboratory and
 9 the testing of the sample, and the percentage of
 10 the amounts that were paid to private labora-
 11 tories; and

12 (D) an evaluation of the effectiveness of the
 13 grant amounts in increasing capacity and re-
 14 ducing backlogs.

15 **SEC. 4. SEXUAL ASSAULT NURSE EXAMINERS.**

16 Section 304 of the DNA Sexual Assault Justice Act of
 17 2004 (42 U.S.C. 14136a) is amended—

18 (1) by redesignating subsection (c) as subsection
 19 (d); and

20 (2) by inserting after subsection (b) the fol-
 21 lowing:

22 “(c) PREFERENCE.—

23 “(1) IN GENERAL.—In reviewing applications
 24 submitted in accordance with a program authorized,
 25 in whole or in part, by this section, the Attorney Gen-

1 *eral shall give preference to any eligible entity that*
2 *certifies that the entity will use the grant funds to—*

3 *“(A) improve forensic nurse examiner pro-*
4 *grams in a rural area or for an underserved*
5 *population, as those terms are defined in section*
6 *4002 of the Violence Against Women Act of 1994*
7 *(42 U.S.C. 13925);*

8 *“(B) engage in activities that will assist in*
9 *the employment of full-time forensic nurse exam-*
10 *iners to conduct activities under subsection (a);*

11 *or*

12 *“(C) sustain or establish a training pro-*
13 *gram for forensic nurse examiners.*

14 *“(2) DIRECTIVE TO THE ATTORNEY GENERAL.—*

15 *Not later than the beginning of fiscal year 2018, the*
16 *Attorney General shall coordinate with the Secretary*
17 *of Health and Human Services to inform Federally*
18 *Qualified Health Centers, Community Health Cen-*
19 *ters, hospitals, colleges and universities, and other ap-*
20 *propriate health-related entities about the role of fo-*
21 *rensic nurses and existing resources available within*
22 *the Department of Justice and the Department of*
23 *Health and Human Services to train or employ fo-*
24 *rensic nurses to address the needs of communities*
25 *dealing with sexual assault, domestic violence, and*

1 elder abuse. The Attorney General shall collaborate on
 2 this effort with nongovernmental organizations rep-
 3 resenting forensic nurses.”.

4 **SEC. 5. PROTECTING THE VIOLENCE AGAINST WOMEN ACT.**

5 Section 8(e)(1)(A) of the Prison Rape Elimination Act
 6 of 2003 (42 U.S.C. 15607(e)(1)(A)) is amended—

7 (1) in clause (i), by striking “and” at the end;

8 (2) in clause (ii), by striking the period and in-
 9 serting “; and”; and

10 (3) by inserting at the end the following:

11 “(iii) the program is not administered
 12 by the Office on Violence Against Women of
 13 the Department of Justice.”.

14 **SEC. 6. CLARIFICATION OF VIOLENCE AGAINST WOMEN ACT**

15 **HOUSING PROTECTIONS.**

16 Section 41411(b)(3)(B)(ii) of the Violence Against
 17 Women Act of 1994 (42 U.S.C. 14043e–11(b)(3)(B)(ii)) is
 18 amended—

19 (1) in the first sentence, by inserting “or resi-
 20 dent” after “any remaining tenant”; and

21 (2) in the second sentence, by inserting “or resi-
 22 dent” after “tenant” each place it appears.

1 **SEC. 7. STRENGTHENING THE PRISON RAPE ELIMINATION**
2 **ACT.**

3 *The Prison Rape Elimination Act of 2003 (42 U.S.C.*
4 *15601 et seq.) is amended—*

5 *(1) in section 6(d)(2) (42 U.S.C. 15605(d)(2)),*
6 *by striking subparagraph (A) and inserting the fol-*
7 *lowing:*

8 *“(A)(i) include the certification of the chief*
9 *executive that the State receiving such grant has*
10 *adopted all national prison rape standards that,*
11 *as of the date on which the application was sub-*
12 *mitted, have been promulgated under this Act; or*

13 *“(i) demonstrate to the Attorney General,*
14 *in such manner as the Attorney General shall re-*
15 *quire, that the State receiving such grant is ac-*
16 *tively working to adopt and achieve full compli-*
17 *ance with the national prison rape standards de-*
18 *scribed in clause (i);”;* and

19 *(2) in section 8(e) (42 U.S.C. 15607(e))—*

20 *(A) by striking paragraph (2) and inserting*
21 *the following:*

22 *“(2) ADOPTION OF NATIONAL STANDARDS.—*

23 *“(A) IN GENERAL.—For each fiscal year,*
24 *any amount that a State would otherwise receive*
25 *for prison purposes for that fiscal year under a*
26 *grant program covered by this subsection shall be*

1 *reduced by 5 percent, unless the chief executive*
2 *officer of the State submits to the Attorney Gen-*
3 *eral proof of compliance with this Act through—*

4 “(i) *a certification that the State has*
5 *adopted, and is in full compliance with, the*
6 *national standards described in subsection*
7 *(a); or*

8 “(ii) *an assurance that the State in-*
9 *tends to adopt and achieve full compliance*
10 *with those national standards so as to en-*
11 *sure that a certification under clause (i)*
12 *may be submitted in future years, which in-*
13 *cludes—*

14 “(I) *a commitment that not less*
15 *than 5 percent of such amount shall be*
16 *used for this purpose; or*

17 “(II) *a request that the Attorney*
18 *General hold 5 percent of such amount*
19 *in abeyance pursuant to the require-*
20 *ments of subparagraph (E).*

21 “(B) *RULES FOR CERTIFICATION.—*

22 “(i) *IN GENERAL.—A chief executive*
23 *officer of a State who submits a certifi-*
24 *cation under this paragraph shall also pro-*
25 *vide the Attorney General with—*

1 “(I) a list of the prisons under the
2 operational control of the executive
3 branch of the State;

4 “(II) a list of the prisons listed
5 under subclause (I) that were audited
6 during the most recently concluded
7 audit year;

8 “(III) all final audit reports for
9 prisons listed under subclause (I) that
10 were completed during the most re-
11 cently concluded audit year; and

12 “(IV) a proposed schedule for
13 completing an audit of all the prisons
14 listed under subclause (I) during the
15 following 3 audit years.

16 “(i) *AUDIT APPEAL EXCEPTION.*—Be-
17 ginning on the date that is 3 years after the
18 date of enactment of the Justice for All Re-
19 authorization Act of 2016, a chief executive
20 officer of a State may submit a certification
21 that the State is in full compliance pursu-
22 ant to subparagraph (A)(i) even if a prison
23 under the operational control of the execu-
24 tive branch of the State has an audit appeal
25 pending.

1 “(C) *RULES FOR ASSURANCES.*—

2 “(i) *IN GENERAL.*—*A chief executive*
3 *officer of a State who submits an assurance*
4 *under subparagraph (A)(ii) shall also pro-*
5 *vide the Attorney General with—*

6 “(I) *a list of the prisons under the*
7 *operational control of the executive*
8 *branch of the State;*

9 “(II) *a list of the prisons listed*
10 *under subclause (I) that were audited*
11 *during the most recently concluded*
12 *audit year;*

13 “(III) *an explanation of any bar-*
14 *riers the State faces to completing re-*
15 *quired audits;*

16 “(IV) *all final audit reports for*
17 *prisons listed under subclause (I) that*
18 *were completed during the most re-*
19 *cently concluded audit year;*

20 “(V) *a proposed schedule for com-*
21 *pleting an audit of all prisons under*
22 *the operational control of the executive*
23 *branch of the State during the fol-*
24 *lowing 3 audit years; and*

1 “(VI) *an explanation of the*
2 *State’s current degree of implementa-*
3 *tion of the national standards.*

4 “(ii) *ADDITIONAL REQUIREMENT.—A*
5 *chief executive officer of a State who sub-*
6 *mits an assurance under subparagraph*
7 *(A)(ii)(I) shall, before receiving the applica-*
8 *ble funds described in subparagraph*
9 *(A)(ii)(I), also provide the Attorney General*
10 *with a proposed plan for the expenditure of*
11 *the funds during the applicable grant pe-*
12 *riod.*

13 “(iii) *ACCOUNTING OF FUNDS.—A chief*
14 *executive officer of a State who submits an*
15 *assurance under subparagraph (A)(ii)(I)*
16 *shall, in a manner consistent with the ap-*
17 *plicable grant reporting requirements, sub-*
18 *mit to the Attorney General a detailed ac-*
19 *counting of how the funds described in sub-*
20 *paragraph (A) were used.*

21 “(D) *SUNSET OF ASSURANCE OPTION.—*

22 “(i) *IN GENERAL.—On the date that is*
23 *3 years after the date of enactment of the*
24 *Justice for All Reauthorization Act of 2016,*

1 *subclause (II) of subparagraph (A)(ii) shall*
2 *cease to have effect.*

3 “(ii) *ADDITIONAL SUNSET.*—*On the*
4 *date that is 6 years after the date of enact-*
5 *ment of the Justice for All Reauthorization*
6 *Act of 2016, clause (ii) of subparagraph (A)*
7 *shall cease to have effect.*

8 “(iii) *EMERGENCY ASSURANCES.*—

9 “(I) *REQUEST.*—*Notwithstanding*
10 *clause (ii), during the 2-year period*
11 *beginning 6 years after the date of en-*
12 *actment of the Justice for All Reau-*
13 *thorization Act of 2016, a chief execu-*
14 *tive officer of a State who certifies that*
15 *the State has audited not less than 90*
16 *percent of prisons under the oper-*
17 *ational control of the executive branch*
18 *of the State may request that the Attor-*
19 *ney General allow the chief executive*
20 *officer to submit an emergency assur-*
21 *ance in accordance with subparagraph*
22 *(A)(ii) as in effect on the day before*
23 *the date on which that subparagraph*
24 *ceased to have effect under clause (ii)*
25 *of this subparagraph.*

1 “(II) GRANT OF REQUEST.—The
2 Attorney General shall grant a request
3 submitted under subclause (I) within
4 60 days upon a showing of good cause.

5 “(E) DISPOSITION OF FUNDS HELD IN
6 ABEYANCE.—

7 “(i) IN GENERAL.—If the chief execu-
8 tive officer of a State who has submitted an
9 assurance under subparagraph (A)(ii)(II)
10 subsequently submits a certification under
11 subparagraph (A)(i) during the 3-year pe-
12 riod beginning on the date of enactment of
13 the Justice for All Reauthorization Act of
14 2016, the Attorney General will release all
15 funds held in abeyance under subparagraph
16 (A)(ii)(II) to be used by the State in ac-
17 cordance with the conditions of the grant
18 program for which the funds were provided.

19 “(ii) RELEASE OF FUNDS.—If the chief
20 executive officer of a State who has sub-
21 mitted an assurance under subparagraph
22 (A)(ii)(II) is unable to submit a certifi-
23 cation during the 3-year period beginning
24 on the date of enactment of the Justice for
25 All Reauthorization Act of 2016, but does

1 *assure the Attorney General that $\frac{2}{3}$ of pris-*
2 *ons under the operational control of the ex-*
3 *ecutive branch of the State have been au-*
4 *dated at least once, the Attorney General*
5 *shall release all of the funds of the State*
6 *held in abeyance to be used in adopting and*
7 *achieving full compliance with the national*
8 *standards, if the State agrees to comply*
9 *with the applicable requirements in clauses*
10 *(ii) and (iii) of subparagraph (C).*

11 “(iii) *REDISTRIBUTION OF FUNDS.—If*
12 *the chief executive officer of a State who has*
13 *submitted an assurance under subpara-*
14 *graph (A)(ii)(II) is unable to submit a cer-*
15 *tification during the 3-year period begin-*
16 *ning on the date of enactment of the Justice*
17 *for All Reauthorization Act of 2016 and*
18 *does not assure the Attorney General that*
19 *$\frac{2}{3}$ of prisons under the operational control*
20 *of the executive branch of the State have*
21 *been audited at least once, the Attorney*
22 *General shall redistribute the funds of the*
23 *State held in abeyance to other States to be*
24 *used in accordance with the conditions of*

1 the grant program for which the funds were
2 provided.

3 “(F) *PUBLICATION OF AUDIT RESULTS.*—
4 Not later than 1 year after the date of enactment
5 of the Justice for All Reauthorization Act of
6 2016, the Attorney General shall request from
7 each State, and make available on an appro-
8 priate Internet website, all final audit reports
9 completed to date for prisons under the oper-
10 ational control of the executive branch of each
11 State. The Attorney General shall update such
12 website annually with reports received from
13 States under subparagraphs (B)(i) and (C)(i).

14 “(G) *REPORT ON IMPLEMENTATION OF NA-*
15 *TIONAL STANDARDS.*—Not later than 2 years
16 after the date of enactment of the Justice for All
17 Reauthorization Act of 2016, the Attorney Gen-
18 eral shall issue a report to the Committee on the
19 Judiciary of the Senate and the Committee on
20 the Judiciary of the House of Representatives on
21 the status of implementation of the national
22 standards and the steps the Department, in con-
23 junction with the States and other key stake-
24 holders, is taking to address any unresolved im-
25 plementation issues.”; and

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

2 “(8) *BACKGROUND CHECKS FOR AUDITORS.*—An
3 individual seeking certification by the Department of
4 Justice to serve as an auditor of prison compliance
5 with the national standards described in subsection
6 (a) shall, upon request, submit fingerprints in the
7 manner determined by the Attorney General for
8 criminal history record checks of the applicable State
9 and Federal Bureau of Investigation repositories.”.

10 **SEC. 8. ADDITIONAL REAUTHORIZATIONS.**

11 (a) *DNA RESEARCH AND DEVELOPMENT.*—Section
12 305(c) of the Justice for All Act of 2004 (42 U.S.C.
13 14136b(c)) is amended by striking “\$15,000,000 for each
14 of fiscal years 2005 through 2009” and inserting
15 “\$5,000,000 for each of fiscal years 2017 through 2021”.

16 (b) *FBI DNA PROGRAMS.*—Section 307(a) of the Jus-
17 tice for All Act of 2004 (Public Law 108–405; 118 Stat.
18 2275) is amended by striking “\$42,100,000 for each of fiscal
19 years 2005 through 2009” and inserting “\$7,400,000 for fis-
20 cal year 2017 and \$10,000,000 for each of fiscal years 2018
21 through 2021”.

22 (c) *DNA IDENTIFICATION OF MISSING PERSONS.*—
23 Section 308(c) of the Justice for All Act of 2004 (42 U.S.C.
24 14136d(c)) is amended by striking “fiscal years 2005

1 *through 2009” and inserting “fiscal years 2017 through*
 2 *2021”.*

3 **SEC. 9. PAUL COVERDELL FORENSIC SCIENCES IMPROVE-**
 4 **MENT GRANTS.**

5 *(a) GRANTS.—Part BB of title I of the Omnibus Crime*
 6 *Control and Safe Streets Act of 1968 (42 U.S.C. 3797j) is*
 7 *amended—*

8 *(1) in section 2802(2) (42 U.S.C. 3797k(2)), by*
 9 *inserting after “bodies” the following: “and, except*
 10 *with regard to any medical examiner’s office, or coro-*
 11 *ner’s office in the State, is accredited by an accred-*
 12 *iting body that is a signatory to an internationally*
 13 *recognized arrangement and that offers accreditation*
 14 *to forensic science conformity assessment bodies using*
 15 *an accreditation standard that is recognized by that*
 16 *internationally recognized arrangement, or attests, in*
 17 *a manner that is legally binding and enforceable, to*
 18 *use a portion of the grant amount to prepare and*
 19 *apply for such accreditation not more than 2 years*
 20 *after the date on which a grant is awarded under sec-*
 21 *tion 2801”;*

22 *(2) in section 2803(a) (42 U.S.C. 3797l(a))—*

23 *(A) in paragraph (1)—*

24 *(i) by striking “Seventy-five percent”*
 25 *and inserting “Eighty-five percent”; and*

1 (ii) by striking “75 percent” and in-
2 serting “85 percent”;

3 (B) in paragraph (2), by striking “Twenty-
4 five percent” and inserting “Fifteen percent”;
5 and

6 (C) in paragraph (3), by striking “0.6 per-
7 cent” and inserting “1 percent”;

8 (3) in section 2804(a) (42 U.S.C. 3797m(a))—

9 (A) in paragraph (2)—

10 (i) by inserting “impression evidence,”
11 after “latent prints,”; and

12 (ii) by inserting “digital evidence, fire
13 evidence,” after “toxicology,”;

14 (B) in paragraph (3), by inserting “and
15 medicolegal death investigators” after “labora-
16 tory personnel”; and

17 (C) by inserting at the end the following:

18 “(4) To address emerging forensic science issues
19 (such as statistics, contextual bias, and uncertainty of
20 measurement) and emerging forensic science tech-
21 nology (such as high throughput automation, statis-
22 tical software, and new types of instrumentation).

23 “(5) To educate and train forensic pathologists.

24 “(6) To fund medicolegal death investigation sys-
25 tems to facilitate accreditation of medical examiner

1 *and coroner offices and certification of medicolegal*
2 *death investigators.”; and*

3 *(4) in section 2806(a) (42 U.S.C. 3797o(a))—*

4 *(A) in paragraph (3), by striking “and” at*
5 *the end;*

6 *(B) by redesignating paragraph (4) as*
7 *paragraph (5); and*

8 *(C) by inserting after paragraph (3) the fol-*
9 *lowing:*

10 *“(4) the progress of any unaccredited forensic*
11 *science service provider receiving grant funds toward*
12 *obtaining accreditation; and”.*

13 *(b) AUTHORIZATION OF APPROPRIATIONS.—Section*
14 *1001(a)(24) of title I of the Omnibus Crime Control and*
15 *Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amend-*
16 *ed—*

17 *(1) in subparagraph (H), by striking “and” at*
18 *the end;*

19 *(2) in subparagraph (I), by striking the period*
20 *at the end and inserting “; and”; and*

21 *(3) by adding at the end the following:*

22 *“(J) \$13,500,000 for fiscal year 2017;*

23 *“(K) \$18,500,000 for fiscal year 2018;*

24 *“(L) \$19,000,000 for fiscal year 2019;*

25 *“(M) \$21,000,000 for fiscal year 2020; and*

1 “(N) \$23,000,000 for fiscal year 2021.”.

2 **SEC. 10. IMPROVING THE QUALITY OF REPRESENTATION IN**
 3 **STATE CAPITAL CASES.**

4 Section 426 of the Justice for All Act of 2004 (42
 5 U.S.C. 14163e) is amended—

6 (1) in subsection (a), by striking “\$75,000,000
 7 for each of fiscal years 2005 through 2009” and in-
 8 serting:

9 “(1) \$2,500,000 for fiscal year 2017;

10 “(2) \$7,500,000 for fiscal year 2018;

11 “(3) \$12,500,000 for fiscal year 2019;

12 “(4) \$17,500,000 for fiscal year 2020; and

13 “(5) \$22,500,000 for fiscal year 2021.”; and

14 (2) in subsection (b), by inserting before the pe-
 15 riod at the end the following: “; or upon a showing
 16 of good cause, and at the discretion of the Attorney
 17 General, the State may determine a fair allocation of
 18 funds across the uses described in sections 421 and
 19 422”.

20 **SEC. 11. POST-CONVICTION DNA TESTING.**

21 (a) *IN GENERAL.*—Section 3600 of title 18, United
 22 States Code, is amended—

23 (1) by striking “under a sentence of” in each
 24 place it appears and inserting “sentenced to”;

25 (2) in subsection (a)—

1 (A) in paragraph (1)(B)(i), by striking
2 “death”; and

3 (B) in paragraph (3)(A), by striking “and
4 the applicant did not—” and all that follows
5 through “knowingly fail to request” and insert-
6 ing “and the applicant did not knowingly fail to
7 request”;

8 (3) in subsection (b)(1)—

9 (A) in subparagraph (A), by striking “and”
10 at the end;

11 (B) in subparagraph (B), by striking the
12 period at the end and inserting “; and”; and

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

14 “(C) order the Government to—

15 “(i) prepare an inventory of the evi-
16 dence related to the case; and

17 “(ii) issue a copy of the inventory to
18 the court, the applicant, and the Govern-
19 ment.”;

20 (4) in subsection (e)—

21 (A) by amending paragraph (1) to read as
22 follows:

23 “(1) RESULTS.—

24 “(A) IN GENERAL.—The results of any DNA
25 testing ordered under this section shall be simul-

1 *taneously disclosed to the court, the applicant,*
2 *and the Government.*

3 “(B) *RESULTS EXCLUDE APPLICANT.*—

4 “(i) *IN GENERAL.*—*If a DNA profile is*
5 *obtained through testing that excludes the*
6 *applicant as the source and the DNA com-*
7 *plies with the Federal Bureau of Investiga-*
8 *tion’s requirements for the uploading of*
9 *crime scene profiles to the National DNA*
10 *Index System (referred to in this subsection*
11 *as ‘NDIS’), the court shall order that the*
12 *law enforcement entity with direct or con-*
13 *veyed statutory jurisdiction that has access*
14 *to the NDIS submit the DNA profile ob-*
15 *tained from probative biological material*
16 *from crime scene evidence to determine*
17 *whether the DNA profile matches a profile*
18 *of a known individual or a profile from an*
19 *unsolved crime.*

20 “(ii) *NDIS SEARCH.*—*The results of a*
21 *search under clause (i) shall be simulta-*
22 *neously disclosed to the court, the applicant,*
23 *and the Government.”; and*

24 *(B) in paragraph (2), by striking “the Na-*
25 *tional DNA Index System (referred to in this*

1 subsubsection as ‘NDIS’”) and inserting “NDIS”;

2 and

3 (5) in subsection (g)(2)(B), by striking “death”.

4 (b) *PRESERVATION OF BIOLOGICAL EVIDENCE.*—Section
5 3600A of title 18, United States Code, is amended—

6 (1) in subsection (a), by striking “under a sen-
7 tence of” and inserting “sentenced to”; and

8 (2) in subsection (c)—

9 (A) by striking paragraphs (1) and (2); and

10 (B) by redesignating paragraphs (3), (4),
11 and (5) as paragraphs (1), (2), and (3), respec-
12 tively.

13 **SEC. 12. KIRK BLOODSWORTH POST-CONVICTION DNA**
14 **TESTING PROGRAM.**

15 (a) *IN GENERAL.*—Section 413 of the Justice for All
16 Act of 2004 (42 U.S.C. 14136 note) is amended—

17 (1) in the matter preceding paragraph (1), by
18 striking “fiscal years 2005 through 2009” and insert-
19 ing “fiscal years 2017 through 2021”; and

20 (2) by striking paragraph (2) and inserting the
21 following:

22 “(2) for eligible entities that are a State or unit
23 of local government, provide a certification by the
24 chief legal officer of the State in which the eligible en-
25 tity operates or the chief legal officer of the jurisdic-

1 *tion in which the funds will be used for the purposes*
2 *of the grants, that the State or jurisdiction—*

3 *“(A) provides DNA testing of specified evi-*
4 *dence under a State statute or a State or local*
5 *rule or regulation to persons sentenced to impris-*
6 *onment or death for a State felony offense, in a*
7 *manner intended to ensure a reasonable process*
8 *for resolving claims of actual innocence that en-*
9 *sures post-conviction DNA testing in at least*
10 *those cases that would be covered by section*
11 *3600(a) of title 18, United States Code, had they*
12 *been Federal cases and, if the results of the test-*
13 *ing exclude the applicant as the source of the*
14 *DNA, permits the applicant to apply for post-*
15 *conviction relief, notwithstanding any provision*
16 *of law that would otherwise bar the application*
17 *as untimely; and*

18 *“(B) preserves biological evidence, as de-*
19 *finied in section 3600A of title 18, United States*
20 *Code, under a State statute or a State or local*
21 *rule, regulation, or practice in a manner in-*
22 *tended to ensure that reasonable measures are*
23 *taken by the State or jurisdiction to preserve bio-*
24 *logical evidence secured in relation to the inves-*
25 *tigation or prosecution of, at a minimum, mur-*

1 “(b) *DEADLINE.*—Not later than 1 year after the date
2 of enactment of this section, the Director of the National
3 Institute of Justice shall publish the best practices estab-
4 lished under subsection (a)(1).

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

8 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The
9 table of contents in section 1(b) of the Justice for All Act
10 of 2004 (Public Law 108–405; 118 Stat. 2260) is amended
11 by inserting after the item relating to section 413 the fol-
12 lowing:

“Sec. 414. *Establishment of best practices for evidence retention.*”.

13 **SEC. 14. EFFECTIVE ADMINISTRATION OF CRIMINAL JUS-**
14 **TICE.**

15 (a) *SHORT TITLE.*—This section may be cited as the
16 “*Effective Administration of Criminal Justice Act of 2016*”.

17 (b) *STRATEGIC PLANNING.*—Section 502 of title I of
18 the Omnibus Crime Control and Safe Streets Act of 1968
19 (42 U.S.C. 3752) is amended—

20 (1) by inserting “(A) *IN GENERAL.*—” before “To
21 request a grant”; and

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

23 “(6) A comprehensive Statewide plan detailing
24 how grants received under this section will be used to

1 *improve the administration of the criminal justice*
2 *system, which shall—*

3 *“(A) be designed in consultation with local*
4 *governments, and representatives of all segments*
5 *of the criminal justice system, including judges,*
6 *prosecutors, law enforcement personnel, correc-*
7 *tions personnel, and providers of indigent defense*
8 *services, victim services, juvenile justice delin-*
9 *quency prevention programs, community correc-*
10 *tions, and reentry services;*

11 *“(B) include a description of how the State*
12 *will allocate funding within and among each of*
13 *the uses described in subparagraphs (A) through*
14 *(G) of section 501(a)(1);*

15 *“(C) describe the process used by the State*
16 *for gathering evidence-based data and developing*
17 *and using evidence-based and evidence-gathering*
18 *approaches in support of funding decisions;*

19 *“(D) describe the barriers at the State and*
20 *local level for accessing data and implementing*
21 *evidence-based approaches to preventing and re-*
22 *ducing crime and recidivism; and*

23 *“(E) be updated every 5 years, with annual*
24 *progress reports that—*

1 “(i) address changing circumstances in
2 the State, if any;

3 “(ii) describe how the State plans to
4 adjust funding within and among each of
5 the uses described in subparagraphs (A)
6 through (G) of section 501(a)(1);

7 “(iii) provide an ongoing assessment of
8 need;

9 “(iv) discuss the accomplishment of
10 goals identified in any plan previously pre-
11 pared under this paragraph; and

12 “(v) reflect how the plan influenced
13 funding decisions in the previous year.

14 “(b) *TECHNICAL ASSISTANCE.*—

15 “(1) *STRATEGIC PLANNING.*—Not later than 90
16 days after the date of enactment of this subsection, the
17 Attorney General shall begin to provide technical as-
18 sistance to States and local governments requesting
19 support to develop and implement the strategic plan
20 required under subsection (a)(6). The Attorney Gen-
21 eral may enter into agreements with 1 or more non-
22 governmental organizations to provide technical as-
23 sistance and training under this paragraph.

24 “(2) *PROTECTION OF CONSTITUTIONAL*
25 *RIGHTS.*—Not later than 90 days after the date of en-

1 *actment of this subsection, the Attorney General shall*
2 *begin to provide technical assistance to States and*
3 *local governments, including any agent thereof with*
4 *responsibility for administration of justice, requesting*
5 *support to meet the obligations established by the*
6 *Sixth Amendment to the Constitution of the United*
7 *States, which shall include—*

8 *“(A) public dissemination of practices,*
9 *structures, or models for the administration of*
10 *justice consistent with the requirements of the*
11 *Sixth Amendment; and*

12 *“(B) assistance with adopting and imple-*
13 *menting a system for the administration of jus-*
14 *tice consistent with the requirements of the Sixth*
15 *Amendment.*

16 *“(3) AUTHORIZATION OF APPROPRIATIONS.—For*
17 *each of fiscal years 2017 through 2021, of the*
18 *amounts appropriated to carry out this subpart, not*
19 *less than \$5,000,000 and not more than \$10,000,000*
20 *shall be used to carry out this subsection.”.*

21 *(c) APPLICABILITY.—The requirement to submit a*
22 *strategic plan under section 501(a)(6) of title I of the Omni-*
23 *bus Crime Control and Safe Streets Act of 1968, as added*
24 *by subsection (b), shall apply to any application submitted*
25 *under such section 501 for a grant for any fiscal year begin-*

1 *ning after the date that is 1 year after the date of enactment*
2 *of this Act.*

3 **SEC. 15. OVERSIGHT AND ACCOUNTABILITY.**

4 *All grants awarded by the Department of Justice that*
5 *are authorized under this Act shall be subject to the fol-*
6 *lowing:*

7 (1) *AUDIT REQUIREMENT.—Beginning in fiscal*
8 *year 2016, and each fiscal year thereafter, the Inspec-*
9 *tor General of the Department of Justice shall conduct*
10 *audits of recipients of grants under this Act to pre-*
11 *vent waste, fraud, and abuse of funds by grantees.*
12 *The Inspector General shall determine the appro-*
13 *prate number of grantees to be audited each year.*

14 (2) *MANDATORY EXCLUSION.—A recipient of*
15 *grant funds under this Act that is found to have an*
16 *unresolved audit finding shall not be eligible to re-*
17 *ceive grant funds under this Act during the 2 fiscal*
18 *years beginning after the 12-month period described*
19 *in paragraph (5).*

20 (3) *PRIORITY.—In awarding grants under this*
21 *Act, the Attorney General shall give priority to eligi-*
22 *ble entities that, during the 3 fiscal years before sub-*
23 *mitting an application for a grant under this Act,*
24 *did not have an unresolved audit finding showing a*

1 *violation in the terms or conditions of a Department*
2 *of Justice grant program.*

3 (4) *REIMBURSEMENT.—If an entity is awarded*
4 *grant funds under this Act during the 2-fiscal-year*
5 *period in which the entity is barred from receiving*
6 *grants under paragraph (2), the Attorney General*
7 *shall—*

8 (A) *deposit an amount equal to the grant*
9 *funds that were improperly awarded to the*
10 *grantee into the General Fund of the Treasury;*
11 *and*

12 (B) *seek to recoup the costs of the repay-*
13 *ment to the fund from the grant recipient that*
14 *was erroneously awarded grant funds.*

15 (5) *DEFINED TERM.—In this section, the term*
16 *“unresolved audit finding” means an audit report*
17 *finding in the final audit report of the Inspector Gen-*
18 *eral of the Department of Justice that the grantee has*
19 *utilized grant funds for an unauthorized expenditure*
20 *or otherwise unallowable cost that is not closed or re-*
21 *solved within a 12-month period beginning on the*
22 *date when the final audit report is issued.*

23 (6) *NONPROFIT ORGANIZATION REQUIRE-*
24 *MENTS.—*

1 (A) *DEFINITION.*—*For purposes of this sec-*
2 *tion and the grant programs described in this*
3 *Act, the term “nonprofit organization” means an*
4 *organization that is described in section*
5 *501(c)(3) of the Internal Revenue Code of 1986*
6 *and is exempt from taxation under section*
7 *501(a) of such Code.*

8 (B) *PROHIBITION.*—*The Attorney General*
9 *shall not award a grant under any grant pro-*
10 *gram described in this Act to a nonprofit organi-*
11 *zation that holds money in offshore accounts for*
12 *the purpose of avoiding paying the tax described*
13 *in section 511(a) of the Internal Revenue Code*
14 *of 1986.*

15 (C) *DISCLOSURE.*—*Each nonprofit organi-*
16 *zation that is awarded a grant under a grant*
17 *program described in this Act and uses the pro-*
18 *cedures prescribed in regulations to create a re-*
19 *buttable presumption of reasonableness for the*
20 *compensation of its officers, directors, trustees*
21 *and key employees, shall disclose to the Attorney*
22 *General, in the application for the grant, the*
23 *process for determining such compensation, in-*
24 *cluding the independent persons involved in re-*
25 *viewing and approving such compensation, the*

1 *comparability data used, and contemporaneous*
2 *substantiation of the deliberation and decision.*
3 *Upon request, the Attorney General shall make*
4 *the information disclosed under this subsection*
5 *available for public inspection.*

6 (7) *ADMINISTRATIVE EXPENSES.—Unless other-*
7 *wise explicitly provided in authorizing legislation,*
8 *not more than 7.5 percent of the amounts authorized*
9 *to be appropriated under this Act may be used by the*
10 *Attorney General for salaries and administrative ex-*
11 *penses of the Department of Justice.*

12 (8) *CONFERENCE EXPENDITURES.—*

13 (A) *LIMITATION.—No amounts authorized*
14 *to be appropriated to the Department of Justice*
15 *under this Act may be used by the Attorney Gen-*
16 *eral or by any individual or organization*
17 *awarded discretionary funds through a coopera-*
18 *tive agreement under this Act, to host or support*
19 *any expenditure for conferences that uses more*
20 *than \$20,000 in Department funds, unless the*
21 *Deputy Attorney General or the appropriate As-*
22 *stant Attorney General, Director, or principal*
23 *deputy as the Deputy Attorney General may des-*
24 *ignate, provides prior written authorization that*
25 *the funds may be expended to host a conference.*

1 (B) *WRITTEN APPROVAL.*—Written ap-
2 proval under subparagraph (A) shall include a
3 written estimate of all costs associated with the
4 conference, including the cost of all food and bev-
5 erages, audio/visual equipment, honoraria for
6 speakers, and any entertainment.

7 (C) *REPORT.*—The Deputy Attorney Gen-
8 eral shall submit an annual report to the Com-
9 mittee on the Judiciary of the Senate and the
10 Committee on the Judiciary of the House of Rep-
11 resentatives on all conference expenditures ap-
12 proved by operation of this paragraph.

13 (9) *PROHIBITION ON LOBBYING ACTIVITY.*—

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

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

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

23 (B) *PENALTY.*—If the Attorney General de-
24 termines that any recipient of a grant under this

1 *Act has violated subparagraph (A), the Attorney*
2 *General shall—*

3 *(i) require the grant recipient to repay*
4 *the grant in full; and*

5 *(ii) prohibit the grant recipient from*
6 *receiving another grant under this Act for*
7 *not less than 5 years.*

8 (10) *PREVENTING DUPLICATIVE GRANTS.—*

9 (A) *IN GENERAL.—Before the Attorney Gen-*
10 *eral awards a grant to an applicant under this*
11 *Act, the Attorney General shall compare poten-*
12 *tial grant awards with other grants awarded*
13 *under this Act to determine whether duplicate*
14 *grants are awarded for the same purpose.*

15 (B) *REPORT.—If the Attorney General*
16 *awards duplicate grants to the same applicant*
17 *for the same purpose, the Attorney General shall*
18 *submit to the Committee on the Judiciary of the*
19 *Senate and the Committee on the Judiciary of*
20 *the House of Representatives a report that in-*
21 *cludes—*

22 *(i) a list of all duplicate grants award-*
23 *ed, including the total dollar amount of any*
24 *duplicate grants awarded; and*

1 (ii) the reason the Attorney General
2 awarded the duplicate grants.

3 **SEC. 16. NEEDS ASSESSMENT OF FORENSIC LABORA-**
4 **TORIES.**

5 (a) *STUDY AND REPORT.*—Not later than October 1,
6 2018, the Attorney General shall conduct a study and sub-
7 mit a report to the Committee on the Judiciary of the Sen-
8 ate and the Committee on the Judiciary of the House of
9 Representatives on the status and needs of the forensic
10 science community.

11 (b) *REQUIREMENTS.*—The report required under sub-
12 section (a) shall—

13 (1) examine the status of current workload, back-
14 log, personnel, equipment, and equipment needs of
15 public crime laboratories and medical examiner and
16 coroner offices;

17 (2) include an overview of academic forensic
18 science resources and needs, from a broad forensic
19 science perspective, including nontraditional crime
20 laboratory disciplines such as forensic anthropology,
21 forensic entomology, and others as determined appro-
22 priate by the Attorney General;

23 (3) consider—

1 (A) *the National Institute of Justice study,*
2 *Forensic Sciences: Review of Status and Needs,*
3 *published in 1999;*

4 (B) *the Bureau of Justice Statistics census*
5 *reports on Publicly Funded Forensic Crime Lab-*
6 *oratories, published in 2002, 2005, 2009, and*
7 *2014;*

8 (C) *the National Academy of Sciences re-*
9 *port, Strengthening Forensic Science: A Path*
10 *Forward, published in 2009; and*

11 (D) *the Bureau of Justice Statistics survey*
12 *of forensic providers recommended by the Na-*
13 *tional Commission of Forensic Science and ap-*
14 *proved by the Attorney General on September 8,*
15 *2014;*

16 (4) *provide Congress with a comprehensive view*
17 *of the infrastructure, equipment, and personnel needs*
18 *of the broad forensic science community; and*

19 (5) *be made available to the public.*

20 **SEC. 17. CRIME VICTIM ASSISTANCE.**

21 (a) *AMENDMENT.—Section 1404(c)(1)(A) of the Vic-*
22 *tims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is*
23 *amended by inserting “victim services,” before “demonstra-*
24 *tion projects”.*

1 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
2 *that the proposed rule entitled “VOCA Victim Assistance*
3 *Program” published by the Office of Victims of Crime of*
4 *the Department of Justice in the Federal Register on August*
5 *27, 2013 (78 Fed. Reg. 52877), is consistent with section*
6 *1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603).*

7 ***SEC. 18. IMPROVING THE RESTITUTION PROCESS.***

8 *Section 3612 of title 18, United States Code, is amend-*
9 *ed by adding at the end the following:*

10 “(j) *EVALUATION OF OFFICES OF THE UNITED STATES*
11 *ATTORNEY AND DEPARTMENT COMPONENTS.*—

12 “(1) *IN GENERAL.*—*The Attorney General shall,*
13 *as part of the regular evaluation process, evaluate*
14 *each office of the United States attorney and each*
15 *component of the Department of Justice on the per-*
16 *formance of the office or the component, as the case*
17 *may be, in seeking and recovering restitution for vic-*
18 *tims under each provision of this title and the Con-*
19 *trolled Substances Act (21 U.S.C. 801 et seq.) that au-*
20 *thorizes restitution.*

21 “(2) *REQUIREMENT.*—*Following an evaluation*
22 *under paragraph (1), each office of the United States*
23 *attorney and each component of the Department of*
24 *Justice shall work to improve the practices of the of-*
25 *fice or component, as the case may be, with respect*

1 *to seeking and recovering restitution for victims*
2 *under each provision of this title and the Controlled*
3 *Substances Act (21 U.S.C. 801 et seq.) that authorizes*
4 *restitution.*

5 *“(k) GAO REPORTS.—*

6 *“(1) REPORT.—Not later than 1 year after the*
7 *date of enactment of this subsection, the Comptroller*
8 *General of the United States shall prepare and sub-*
9 *mit to the Committee on the Judiciary of the House*
10 *of Representatives and the Committee on the Judici-*
11 *ary of the Senate a report on restitution sought by the*
12 *Attorney General under each provision of this title*
13 *and the Controlled Substances Act (21 U.S.C. 801 et*
14 *seq.) that authorizes restitution during the 3-year pe-*
15 *riod preceding the report.*

16 *“(2) CONTENTS.—The report required under*
17 *paragraph (1) shall include statistically valid esti-*
18 *mates of—*

19 *“(A) the number of cases in which a defend-*
20 *ant was convicted and the Attorney General*
21 *could seek restitution under this title or the Con-*
22 *trolled Substances Act (21 U.S.C. 801 et seq.);*

23 *“(B) the number of cases in which the At-*
24 *torney General sought restitution;*

1 “(C) of the cases in which the Attorney Gen-
2 eral sought restitution, the number of times res-
3 titution was ordered by the district courts of the
4 United States;

5 “(D) the amount of restitution ordered by
6 the district courts of the United States;

7 “(E) the amount of restitution collected
8 pursuant to the restitution orders described in
9 subparagraph (D);

10 “(F) the percentage of restitution orders for
11 which the full amount of restitution has not been
12 collected; and

13 “(G) any other measurement the Comp-
14 troller General determines would assist in evalu-
15 ating how to improve the restitution process in
16 Federal criminal cases.

17 “(3) RECOMMENDATIONS.—The report required
18 under paragraph (1) shall include recommendations
19 on the best practices for—

20 “(A) requesting restitution in cases in
21 which restitution may be sought under each pro-
22 vision of this title and the Controlled Substances
23 Act (21 U.S.C. 801 et seq.) that authorizes res-
24 titution;

1 “(B) obtaining restitution orders from the
2 district courts of the United States; and

3 “(C) collecting restitution ordered by the
4 district courts of the United States.

5 “(4) REPORT.—Not later than 3 years after the
6 date on which the report required under paragraph
7 (1) is submitted, the Comptroller General of the
8 United States shall prepare and submit to the Com-
9 mittee on the Judiciary of the House of Representa-
10 tives and the Committee on the Judiciary of the Sen-
11 ate a report on the implementation by the Attorney
12 General of the best practices recommended under
13 paragraph (3).”.

Attest:

Clerk.

114TH CONGRESS
2^D SESSION

S. 2577

AMENDMENT