

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2577

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## 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.

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 “Justice for All Reau-  
5 thorization Act of 2016”.

6 **SEC. 2. CRIME VICTIMS’ RIGHTS.**

7        (a) RESTITUTION DURING SUPERVISED RELEASE.—  
8 Section 3583(d) of title 18, United States Code, is amend-  
9 ed in the first sentence by inserting “, that the defendant  
10 make restitution in accordance with sections 3663 and  
11 3663A, or any other statute authorizing a sentence of res-  
12 titution,” after “supervision”.

13        (b) COLLECTION OF RESTITUTION FROM DEFEND-  
14 ANT’S ESTATE.—Section 3613(b) of title 18, United  
15 States Code, is amended by adding at the end the fol-  
16 lowing: “The liability to pay restitution shall terminate on  
17 the date that is the later of 20 years from the entry of  
18 judgment or 20 years after the release from imprisonment  
19 of the person ordered to pay restitution. In the event of  
20 the death of the person ordered to pay restitution, the in-  
21 dividual’s estate will be held responsible for any unpaid  
22 balance of the restitution amount, and the lien provided  
23 in subsection (c) of this section shall continue until the  
24 estate receives a written release of that liability.”.

1 (c) VICTIM INTERPRETERS.—Rule 28 of the Federal  
2 Rules of Criminal Procedure is amended in the first sen-  
3 tence by inserting before the period at the end the fol-  
4 lowing: “, including an interpreter for the victim”.

5 (d) GAO STUDY.—

6 (1) IN GENERAL.—Not later than 180 days  
7 after the date of enactment of this Act, the Comp-  
8 troller General of the United States shall—

9 (A) conduct a study to determine whether  
10 enhancing the restitution provisions under sec-  
11 tions 3663 and 3663A of title 18, United  
12 States Code, to provide courts broader author-  
13 ity to award restitution for Federal offenses  
14 would be beneficial to crime victims and what  
15 other factors Congress should consider in  
16 weighing such changes; and

17 (B) submit to Congress a report on the  
18 study conducted under subparagraph (A).

19 (2) CONTENTS.—In conducting the study under  
20 paragraph (1), the Comptroller General shall focus  
21 on the benefits to crime victims that would result if  
22 the restitution provisions under sections 3663 and  
23 3663A of title 18, United States Code, were ex-  
24 panded—

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

4 (B) in the case of an offense resulting in  
5 bodily injury resulting in the victim's death, to  
6 allow the court to use its discretion to award an  
7 appropriate sum to reflect the income lost by  
8 the victim's surviving family members or estate  
9 as a result of the victim's death;

10 (C) to require that the defendant pay to  
11 the victim an amount determined by the court  
12 to restore the victim to the position he or she  
13 would have been in had the defendant not com-  
14 mitted the offense; and

15 (D) to require that the defendant com-  
16 pensate the victim for any injury, harm, or loss,  
17 including emotional distress, that occurred as a  
18 result of the offense.

19 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS**  
20 **FOR CRIME VICTIMS.**

21 (a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—  
22 Section 103(b) of the Justice for All Act of 2004 (Public  
23 Law 108–405; 118 Stat. 2264) is amended—

1           (1) in paragraph (1), by striking “2006, 2007,  
2           2008, and 2009” and inserting “2017 through  
3           2021”;

4           (2) in paragraph (2), by striking “2006, 2007,  
5           2008, and 2009” and inserting “2017 through  
6           2021”;

7           (3) in paragraph (3), by striking “2006, 2007,  
8           2008, and 2009” and inserting “2017 through  
9           2021”;

10          (4) in paragraph (4), by striking “2006, 2007,  
11          2008, and 2009” and inserting “2017 through  
12          2021”; and

13          (5) in paragraph (5), by striking “2006, 2007,  
14          2008, and 2009” and inserting “2017 through  
15          2021”.

16          (b) CRIME VICTIMS NOTIFICATION GRANTS.—Sec-  
17          tion 1404E(c) of the Victims of Crime Act of 1984 (42  
18          U.S.C. 10603e(c)) is amended by striking “2006, 2007,  
19          2008, and 2009” and inserting “2017 through 2021”.

20          **SEC. 4. REDUCING THE RAPE KIT BACKLOG.**

21          (a) IN GENERAL.—Of the amounts made available to  
22          the Attorney General for a DNA Analysis and capacity  
23          enhancement program and for other local, State, and Fed-  
24          eral forensic activities under the heading “STATE AND  
25          LOCAL LAW ENFORCEMENT” under the heading “OFFICE

1 OF JUSTICE PROGRAMS” under the heading “DEPART-  
2 MENT OF JUSTICE” in a fiscal year—

3 (1) not less than 75 percent of such amounts  
4 shall be provided for grants for direct testing activi-  
5 ties described under paragraphs (1), (2), and (3) of  
6 section 2(a) of the DNA Analysis Backlog Elimini-  
7 nation Act of 2000 (42 U.S.C. 14135(a)); and

8 (2) not less than 5 percent of such amounts  
9 shall be provided for grants for law enforcement  
10 agencies to conduct audits of their backlogged rape  
11 kits, including through the creation of a tracking  
12 system, under section 2(a)(7) of the DNA Analysis  
13 Backlog Elimination Act of 2000 (42 U.S.C.  
14 14135(a)(7)), and to prioritize testing in those cases  
15 in which the statute of limitation will soon expire.

16 (b) REPORTING.—

17 (1) REPORT BY GRANT RECIPIENTS.—With re-  
18 spect to amounts made available to the Attorney  
19 General for a DNA Analysis and capacity enhance-  
20 ment program and for other local, State, and Fed-  
21 eral forensic activities under the heading “STATE  
22 AND LOCAL LAW ENFORCEMENT” under the heading  
23 “OFFICE OF JUSTICE PROGRAMS” under the head-  
24 ing “DEPARTMENT OF JUSTICE”, the Attorney  
25 General shall require recipients of the amounts to

1 report on the effectiveness of the activities carried  
2 out using the amounts, including any information  
3 the Attorney General needs in order to submit the  
4 report required under paragraph (2).

5 (2) REPORT TO CONGRESS.—Not later than 1  
6 month after the last day of each even-numbered fis-  
7 cal year, the Attorney General shall submit to the  
8 Committee on the Judiciary of the Senate and the  
9 Committee on the Judiciary of the House of Rep-  
10 resentatives a report that includes, for each recipient  
11 of amounts described in paragraph (1)—

12 (A) the amounts distributed to the recipi-  
13 ent;

14 (B) a summary of the purposes for which  
15 the amounts were used and an evaluation of the  
16 progress of the recipient in achieving those pur-  
17 poses;

18 (C) a statistical summary of the crime  
19 scene samples and arrestee or offender samples  
20 submitted to laboratories, the average time be-  
21 tween the submission of a sample to a labora-  
22 tory and the testing of the sample, and the per-  
23 centage of the amounts that were paid to pri-  
24 vate laboratories; and

1 (D) an evaluation of the effectiveness of  
2 the grant amounts in increasing capacity and  
3 reducing backlogs.

4 **SEC. 5. SEXUAL ASSAULT NURSE EXAMINERS.**

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

7 (1) by redesignating subsection (c) as sub-  
8 section (d); and

9 (2) by inserting after subsection (b) the fol-  
10 lowing:

11 “(c) PREFERENCE.—

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

18 “(A) operate or expand forensic nurse ex-  
19 aminer programs in a rural area or for an un-  
20 derserved population, as those terms are de-  
21 fined in section 4002 of the Violence Against  
22 Women Act of 1994 (42 U.S.C. 13925);

23 “(B) hire full-time forensic nurse exam-  
24 iners to conduct activities under subsection (a);  
25 or

1           “(C) sustain or establish a training pro-  
2           gram for forensic nurse examiners.

3           “(2) DIRECTIVE TO THE ATTORNEY GEN-  
4           ERAL.—Not later than 120 days after the date of  
5           enactment of the Justice for All Reauthorization Act  
6           of 2016, the Attorney General shall coordinate with  
7           the Secretary of Health and Human Services to in-  
8           form Federally Qualified Health Centers, Commu-  
9           nity Health Centers, hospitals, colleges and univer-  
10          sities, and other appropriate health-related entities  
11          about the role of forensic nurses and existing re-  
12          sources available within the Department of Justice  
13          and the Department of Health and Human Services  
14          to train or employ forensic nurses to address the  
15          needs of communities dealing with sexual assault,  
16          domestic violence, and elder abuse. The Attorney  
17          General shall collaborate on this effort with non-  
18          governmental organizations representing forensic  
19          nurses.”.

20 **SEC. 6. PROTECTING THE VIOLENCE AGAINST WOMEN ACT.**

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

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

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

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

2 “(iii) the program is not administered  
3 by the Office on Violence Against Women  
4 of the Department of Justice.”.

5 **SEC. 7. CLARIFICATION OF VIOLENCE AGAINST WOMEN**  
6 **ACT HOUSING PROTECTIONS.**

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

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

12 (2) in the second sentence, by inserting “or  
13 resident” after “tenant” each place it appears.

14 **SEC. 8. STRENGTHENING THE PRISON RAPE ELIMINATION**  
15 **ACT.**

16 The Prison Rape Elimination Act of 2003 (42 U.S.C.  
17 15601 et seq.) is amended—

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

21 “(A)(i) include the certification of the chief  
22 executive that the State receiving such grant  
23 has adopted all national prison rape standards  
24 that, as of the date on which the application

1 was submitted, have been promulgated under  
2 this Act; or

3 “(ii) demonstrate to the Attorney General,  
4 in such manner as the Attorney General shall  
5 require, that the State receiving such grant is  
6 actively working to adopt and achieve full com-  
7 pliance with the national prison rape standards  
8 described in clause (i);” and

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

10 (A) by striking paragraph (2) and insert-  
11 ing the following:

12 “(2) ADOPTION OF NATIONAL STANDARDS.—

13 “(A) IN GENERAL.—For each fiscal year,  
14 any amount that a State would otherwise re-  
15 ceive for prison purposes for that fiscal year  
16 under a grant program covered by this sub-  
17 section shall be reduced by 5 percent, unless the  
18 chief executive officer of the State submits to  
19 the Attorney General proof of compliance with  
20 this Act through—

21 “(i) a certification that the State has  
22 adopted, and is in full compliance with, the  
23 national standards described in subsection  
24 (a); or

1           “(ii) an assurance that the State in-  
2 tends to adopt and achieve full compliance  
3 with those national standards so as to en-  
4 sure that a certification under clause (i)  
5 may be submitted in future years, which  
6 includes—

7                   “(I) a commitment that not less  
8 than 5 percent of such amount shall  
9 be used for this purpose; or

10                   “(II) a request that the Attorney  
11 General hold 5 percent of such  
12 amount in abeyance pursuant to the  
13 requirements of subparagraph (E).

14           “(B) RULES FOR CERTIFICATION.—

15                   “(i) IN GENERAL.—A chief executive  
16 officer of a State who submits a certifi-  
17 cation under this paragraph shall also pro-  
18 vide the Attorney General with—

19                   “(I) a list of the prisons under  
20 the operational control of the execu-  
21 tive branch of the State;

22                   “(II) a list of the prisons listed  
23 under subclause (I) that were audited  
24 during the most recently concluded  
25 audit year;

1           “(III) all final audit reports for  
2           prisons listed under subclause (I) that  
3           were completed during the most re-  
4           cently concluded audit year; and

5           “(IV) a proposed schedule for  
6           completing an audit of all the prisons  
7           listed under subclause (I) during the  
8           following 3 audit years.

9           “(ii) AUDIT APPEAL EXCEPTION.—Be-  
10          ginning on the date that is 3 years after  
11          the date of enactment of the Justice for  
12          All Reauthorization Act of 2016, a chief  
13          executive officer of a State may submit a  
14          certification that the State is in full com-  
15          pliance pursuant to subparagraph (A)(i)  
16          even if a prison under the operational con-  
17          trol of the executive branch of the State  
18          has an audit appeal pending.

19          “(C) RULES FOR ASSURANCES.—

20          “(i) IN GENERAL.—A chief executive  
21          officer of a State who submits an assur-  
22          ance under subparagraph (A)(ii) shall also  
23          provide the Attorney General with—

1           “(I) a list of the prisons under  
2           the operational control of the execu-  
3           tive 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) an explanation of any bar-  
9           riers the State faces to completing re-  
10          quired audits;

11          “(IV) all final audit reports for  
12          prisons listed under subclause (I) that  
13          were completed during the most re-  
14          cently concluded audit year;

15          “(V) a proposed schedule for  
16          completing an audit of all prisons  
17          under the operational control of the  
18          executive branch of the State during  
19          the following 3 audit years; and

20          “(VI) an explanation of the  
21          State’s current degree of implementa-  
22          tion of the national standards.

23          “(ii) ADDITIONAL REQUIREMENT.—A  
24          chief executive officer of a State who sub-  
25          mits an assurance under subparagraph

1 (A)(ii)(I) shall, before receiving the appli-  
2 cable funds described in subparagraph  
3 (A)(ii)(I), also provide the Attorney Gen-  
4 eral with a proposed plan for the expendi-  
5 ture of the funds during the applicable  
6 grant period.

7 “(iii) ACCOUNTING OF FUNDS.—A  
8 chief executive officer of a State who sub-  
9 mits an assurance under subparagraph  
10 (A)(ii)(I) shall, in a manner consistent  
11 with the applicable grant reporting require-  
12 ments, submit to the Attorney General a  
13 detailed accounting of how the funds de-  
14 scribed in subparagraph (A) were used.

15 “(D) SUNSET OF ASSURANCE OPTION.—

16 “(i) IN GENERAL.—On the date that  
17 is 3 years after the date of enactment of  
18 the Justice for All Reauthorization Act of  
19 2016, subclause (II) of subparagraph  
20 (A)(ii) shall cease to have effect.

21 “(ii) ADDITIONAL SUNSET.—On the  
22 date that is 6 years after the date of enact-  
23 ment of the Justice for All Reauthorization  
24 Act of 2016, clause (ii) of subparagraph  
25 (A) shall cease to have effect.

1 “(iii) EMERGENCY ASSURANCES.—

2 “(I) REQUEST.—Notwithstanding  
3 clause (ii), during the 2-year period  
4 beginning 6 years after the date of en-  
5 actment of the Justice for All Reau-  
6 thorization Act of 2016, a chief execu-  
7 tive officer of a State who certifies  
8 that the State has audited not less  
9 than 90 percent of prisons under the  
10 operational control of the executive  
11 branch of the State may request that  
12 the Attorney General allow the chief  
13 executive officer to submit an emer-  
14 gency assurance in accordance with  
15 subparagraph (A)(ii) as in effect on  
16 the day before the date on which that  
17 subparagraph ceased to have effect  
18 under clause (ii) of this subparagraph.

19 “(II) GRANT OF REQUEST.—The  
20 Attorney General shall grant a re-  
21 quest submitted under subclause (I)  
22 within 60 days upon a showing of  
23 good cause.

24 “(E) DISPOSITION OF FUNDS HELD IN  
25 ABEYANCE.—

1           “(i) IN GENERAL.—If the chief execu-  
2           tive officer of a State who has submitted  
3           an assurance under subparagraph  
4           (A)(ii)(II) subsequently submits a certifi-  
5           cation under subparagraph (A)(i) during  
6           the 3-year period beginning on the date of  
7           enactment of the Justice for All Reauthor-  
8           ization Act of 2016, the Attorney General  
9           will release all funds held in abeyance  
10          under subparagraph (A)(ii)(II) to be used  
11          by the State in accordance with the condi-  
12          tions of the grant program for which the  
13          funds were provided.

14          “(ii) RELEASE OF FUNDS.—If the  
15          chief executive officer of a State who has  
16          submitted an assurance under subpara-  
17          graph (A)(ii)(II) is unable to submit a cer-  
18          tification during the 3-year period begin-  
19          ning on the date of enactment of the Jus-  
20          tice for All Reauthorization Act of 2016,  
21          but does assure the Attorney General that  
22           $\frac{2}{3}$  of prisons under the operational control  
23          of the executive branch of the State have  
24          been audited at least once, the Attorney  
25          General shall release all of the funds of the

1 State held in abeyance to be used in adopt-  
2 ing and achieving full compliance with the  
3 national standards, if the State agrees to  
4 comply with the applicable requirements in  
5 clauses (ii) and (iii) of subparagraph (C).

6 “(iii) REDISTRIBUTION OF FUNDS.—

7 If the chief executive officer of a State who  
8 has submitted an assurance under sub-  
9 subparagraph (A)(ii)(II) is unable to submit a  
10 certification during the 3-year period be-  
11 ginning on the date of enactment of the  
12 Justice for All Reauthorization Act of  
13 2016 and does not assure the Attorney  
14 General that  $\frac{2}{3}$  of prisons under the oper-  
15 ational control of the executive branch of  
16 the State have been audited at least once,  
17 the Attorney General shall redistribute the  
18 funds of the State held in abeyance to  
19 other States to be used in accordance with  
20 the conditions of the grant program for  
21 which the funds were provided.

22 “(F) PUBLICATION OF AUDIT RESULTS.—

23 Not later than 1 year after the date of enact-  
24 ment of the Justice for All Reauthorization Act  
25 of 2016, the Attorney General shall request

1 from each State, and make available on an ap-  
2 propriate Internet website, all final audit re-  
3 ports completed to date for prisons under the  
4 operational control of the executive branch of  
5 each State. The Attorney General shall update  
6 such website annually with reports received  
7 from States under subparagraphs (B)(i) and  
8 (C)(i).

9 “(G) REPORT ON IMPLEMENTATION OF  
10 NATIONAL STANDARDS.—Not later than 2 years  
11 after the date of enactment of the Justice for  
12 All Reauthorization Act of 2016, the Attorney  
13 General shall issue a report to the Committee  
14 on the Judiciary of the Senate and the Com-  
15 mittee on the Judiciary of the House of Rep-  
16 resentatives on the status of implementation of  
17 the national standards and the steps the De-  
18 partment, in conjunction with the States and  
19 other key stakeholders, is taking to address any  
20 unresolved implementation issues.”; and

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

22 “(8) BACKGROUND CHECKS FOR AUDITORS.—  
23 An individual seeking certification by the Depart-  
24 ment of Justice to serve as an auditor of prison  
25 compliance with the national standards described in

1 subsection (a) shall, upon request, submit finger-  
2 prints in the manner determined by the Attorney  
3 General for criminal history record checks of the ap-  
4 plicable State and Federal Bureau of Investigation  
5 repositories.”.

6 **SEC. 9. ADDITIONAL REAUTHORIZATIONS.**

7 (a) DNA RESEARCH AND DEVELOPMENT.—Section  
8 305(c) of the Justice for All Act of 2004 (42 U.S.C.  
9 14136b(c)) is amended by striking “\$15,000,000 for each  
10 of fiscal years 2005 through 2009” and inserting  
11 “\$5,000,000 for each of fiscal years 2017 through 2021”.

12 (b) FBI DNA PROGRAMS.—Section 307(a) of the  
13 Justice for All Act of 2004 (Public Law 108–405; 118  
14 Stat. 2275) is amended by striking “\$42,100,000 for each  
15 of fiscal years 2005 through 2009” and inserting  
16 “\$10,000,000 for each of fiscal years 2017 through  
17 2021”.

18 (c) DNA IDENTIFICATION OF MISSING PERSONS.—  
19 Section 308(c) of the Justice for All Act of 2004 (42  
20 U.S.C. 14136d(c)) is amended by striking “fiscal years  
21 2005 through 2009” and inserting “fiscal years 2017  
22 through 2021”.

1 **SEC. 10. PAUL COVERDELL FORENSIC SCIENCES IMPROVE-**  
2 **MENT GRANTS.**

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

6 (1) in section 2802(2) (42 U.S.C. 3797k(2)), by  
7 inserting after “bodies” the following: “and is ac-  
8 credited by an accrediting body that is a signatory  
9 to an internationally recognized arrangement and  
10 that offers accreditation to forensic science con-  
11 formity assessment bodies using an accreditation  
12 standard that is recognized by that internationally  
13 recognized arrangement, or attests, in a manner that  
14 is legally binding and enforceable, to use a portion  
15 of the grant amount to prepare and apply for such  
16 accreditation not more than 2 years after the date  
17 on which a grant is awarded under section 2801”;

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

19 (A) in paragraph (1)—

20 (i) by striking “Seventy-five percent”  
21 and inserting “Eighty-five percent”; and

22 (ii) by striking “75 percent” and in-  
23 sserting “85 percent”;

24 (B) in paragraph (2), by striking “Twenty-  
25 five percent” and inserting “Fifteen percent”;  
26 and

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

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

4 (A) in paragraph (2)—

5 (i) by inserting “impression evidence,”  
6 after “latent prints,”; and

7 (ii) by inserting “digital evidence, fire  
8 evidence,” after “toxicology,”;

9 (B) in paragraph (3), by inserting “and  
10 medicolegal death investigators” after “labora-  
11 tory personnel”; and

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

13 “(4) To address emerging forensic science  
14 issues (such as statistics, contextual bias, and uncer-  
15 tainty of measurement) and emerging forensic  
16 science technology (such as high throughput automa-  
17 tion, statistical software, and new types of instru-  
18 mentation).

19 “(5) To educate and train forensic pathologists  
20 in the United States.

21 “(6) To work with the States and units of local  
22 government to direct funding to medicolegal death  
23 investigation systems to facilitate accreditation of  
24 medical examiner and coroner offices and certifi-  
25 cation of medicolegal death investigators.”; and

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

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

4 (B) by redesignating paragraph (4) as  
5 paragraph (5); and

6 (C) by inserting after paragraph (3) the  
7 following:

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

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
12 1001(a)(24) of title I of the Omnibus Crime Control and  
13 Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is  
14 amended—

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

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

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

20 “(J) \$25,000,000 for each of fiscal years  
21 2017 through 2021.”.

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

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

1           (1) in subsection (a), by striking “\$75,000,000  
2           for each of fiscal years 2005 through 2009” and in-  
3           serting “\$30,000,000 for each of fiscal years 2017  
4           through 2021”; and

5           (2) in subsection (b), by inserting before the pe-  
6           riod at the end the following: “, or upon a showing  
7           of good cause, and at the discretion of the Attorney  
8           General, the State may determine a fair allocation of  
9           funds across the uses described in sections 421 and  
10          422”.

11 **SEC. 12. POST-CONVICTION DNA TESTING.**

12          (a) IN GENERAL.—Section 3600 of title 18, United  
13 States Code, is amended—

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

16           (2) in subsection (a)—

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

19                (B) in paragraph (3)(A), by striking “and  
20                the applicant did not—” and all that follows  
21                through “knowingly fail to request” and insert-  
22                ing “and the applicant did not knowingly fail to  
23                request”;

24           (3) in subsection (b)(1)—

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

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

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

6 “(C) order the Government to—

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

9 “(ii) issue a copy of the inventory to  
10 the court, the applicant, and the Govern-  
11 ment.”;

12 (4) in subsection (e)—

13 (A) by amending paragraph (1) to read as  
14 follows:

15 “(1) RESULTS.—

16 “(A) IN GENERAL.—The results of any  
17 DNA testing ordered under this section shall be  
18 simultaneously disclosed to the court, the appli-  
19 cant, and the Government.

20 “(B) RESULTS EXCLUDE APPLICANT.—

21 “(i) IN GENERAL.—If a DNA profile  
22 is obtained through testing that excludes  
23 the applicant as the source and the DNA  
24 complies with the Federal Bureau of Inves-  
25 tigation’s requirements for the uploading

1 of crime scene profiles to the National  
2 DNA Index System (referred to in this  
3 subsection as ‘NDIS’), the court shall  
4 order that the law enforcement entity with  
5 direct or conveyed statutory jurisdiction  
6 that has access to the NDIS submit the  
7 DNA profile obtained from probative bio-  
8 logical material from crime scene evidence  
9 to determine whether the DNA profile  
10 matches a profile of a known individual or  
11 a profile from an unsolved crime.

12 “(ii) NDIS SEARCH.—The results of a  
13 search under clause (i) shall be simulta-  
14 neously disclosed to the court, the appli-  
15 cant, and the Government.”; and

16 (B) in paragraph (2), by striking “the Na-  
17 tional DNA Index System (referred to in this  
18 subsection as ‘NDIS’)” and inserting “NDIS”;  
19 and

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

22 (b) PRESERVATION OF BIOLOGICAL EVIDENCE.—  
23 Section 3600A of title 18, United States Code, is amend-  
24 ed—

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

3 (2) in subsection (c)—

4 (A) by striking paragraphs (1) and (2);  
5 and

6 (B) by redesignating paragraphs (3), (4),  
7 and (5) as paragraphs (1), (2), and (3), respec-  
8 tively.

9 **SEC. 13. KIRK BLOODSWORTH POST-CONVICTION DNA**  
10 **TESTING PROGRAM.**

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

13 (1) in the matter preceding paragraph (1), by  
14 striking “fiscal years 2005 through 2009” and in-  
15 serting “fiscal years 2017 through 2021”; and

16 (2) by striking paragraph (2) and inserting the  
17 following:

18 “(2) for eligible entities that are a State or unit  
19 of local government, provide a certification by the  
20 chief legal officer of the State in which the eligible  
21 entity operates or the chief legal officer of the juris-  
22 diction in which the funds will be used for the pur-  
23 poses of the grants, that the State or jurisdiction—

24 “(A) provides DNA testing of specified evi-  
25 dence under a State statute or a State or local

1 rule or regulation to persons sentenced to im-  
2 prisonment or death for a State felony offense,  
3 in a manner intended to ensure a reasonable  
4 process for resolving claims of actual innocence  
5 that ensures post-conviction DNA testing in at  
6 least those cases that would be covered by sec-  
7 tion 3600(a) of title 18, United States Code,  
8 had they been Federal cases and, if the results  
9 of the testing exclude the applicant as the  
10 source of the DNA, permits the applicant to  
11 apply for post-conviction relief, notwithstanding  
12 any provision of law that would otherwise bar  
13 the application as untimely; and

14 “(B) preserves biological evidence, as de-  
15 fined in section 3600A of title 18, United  
16 States Code, under a State statute or a State  
17 or local rule, regulation, or practice in a man-  
18 ner intended to ensure that reasonable meas-  
19 ures are taken by the State or jurisdiction to  
20 preserve biological evidence secured in relation  
21 to the investigation or prosecution of, at a min-  
22 imum, murder, nonnegligent manslaughter and  
23 sexual offenses.”.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
25 412(b) of the Justice for All Act of 2004 (42 U.S.C.

1 14136e(b)) is amended by striking “\$5,000,000 for each  
2 of fiscal years 2005 through 2009” and inserting  
3 “\$10,000,000 for each of fiscal years 2017 through  
4 2021”.

5 **SEC. 14. ESTABLISHMENT OF BEST PRACTICES FOR EVI-**  
6 **DENCE RETENTION.**

7 (a) IN GENERAL.—Subtitle A of title IV of the Jus-  
8 tice for All Act of 2004 (Public Law 108–405; 118 Stat.  
9 2278) is amended by adding at the end the following:

10 **“SEC. 414. ESTABLISHMENT OF BEST PRACTICES FOR EVI-**  
11 **DENCE RETENTION.**

12 “(a) IN GENERAL.—The Director of the National In-  
13 stitute of Justice, in consultation with Federal, State, and  
14 local law enforcement agencies and government labora-  
15 tories, shall—

16 “(1) establish best practices for evidence reten-  
17 tion to focus on the preservation of forensic evi-  
18 dence; and

19 “(2) assist State, local, and tribal governments  
20 in adopting and implementing the best practices es-  
21 tablished under paragraph (1).

22 “(b) DEADLINE.—Not later than 1 year after the  
23 date of enactment of this section, the Director of the Na-  
24 tional Institute of Justice shall publish the best practices  
25 established under subsection (a)(1).



1           ments of the criminal justice system, including  
2           judges, prosecutors, law enforcement personnel,  
3           corrections personnel, and providers of indigent  
4           defense services, victim services, juvenile justice  
5           delinquency prevention programs, community  
6           corrections, and reentry services;

7           “(B) include a description of how the State  
8           will allocate funding within and among each of  
9           the uses described in subparagraphs (A)  
10          through (G) of section 501(a)(1);

11          “(C) describe the process used by the State  
12          for gathering evidence-based data and devel-  
13          oping and using evidence-based and evidence-  
14          gathering approaches in support of funding de-  
15          cisions;

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

20          “(E) be updated every 5 years, with an-  
21          nual progress reports that—

22                  “(i) address changing circumstances  
23                  in the State, if any;

24                  “(ii) describe how the State plans to  
25                  adjust funding within and among each of

1 the uses described in subparagraphs (A)  
2 through (G) of section 501(a)(1);

3 “(iii) provide an ongoing assessment  
4 of need;

5 “(iv) discuss the accomplishment of  
6 goals identified in any plan previously pre-  
7 pared under this paragraph; and

8 “(v) reflect how the plan influenced  
9 funding decisions in the previous year.

10 “(b) TECHNICAL ASSISTANCE.—

11 “(1) STRATEGIC PLANNING.—Not later than 90  
12 days after the date of enactment of this subsection,  
13 the Attorney General shall begin to provide technical  
14 assistance to States and local governments request-  
15 ing support to develop and implement the strategic  
16 plan required under subsection (a)(6). The Attorney  
17 General may enter into agreements with 1 or more  
18 non-governmental organizations to provide technical  
19 assistance and training under this paragraph.

20 “(2) PROTECTION OF CONSTITUTIONAL  
21 RIGHTS.—Not later than 90 days after the date of  
22 enactment of this subsection, the Attorney General  
23 shall begin to provide technical assistance to States  
24 and local governments, including any agent thereof  
25 with responsibility for administration of justice, re-

1       questing support to meet the obligations established  
2       by the Sixth Amendment to the Constitution of the  
3       United States, which shall include—

4               “(A) public dissemination of practices,  
5               structures, or models for the administration of  
6               justice consistent with the requirements of the  
7               Sixth Amendment; and

8               “(B) assistance with adopting and imple-  
9               menting a system for the administration of jus-  
10              tice consistent with the requirements of the  
11              Sixth Amendment.

12             “(3) AUTHORIZATION OF APPROPRIATIONS.—  
13             There is authorized to be appropriated \$5,000,000  
14             for each of fiscal years 2017 through 2021 to carry  
15             out this subsection.”.

16             (c) APPLICABILITY.—The requirement to submit a  
17             strategic plan under section 501(a)(6) of title I of the Om-  
18             nibus Crime Control and Safe Streets Act of 1968, as  
19             added by subsection (b), shall apply to any application  
20             submitted under such section 501 for a grant for any fis-  
21             cal year beginning after the date that is 1 year after the  
22             date of enactment of this Act.

1 **SEC. 16. OVERSIGHT AND ACCOUNTABILITY.**

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

5 (1) **AUDIT REQUIREMENT.**—Beginning in fiscal  
6 year 2016, and each fiscal year thereafter, the In-  
7 spector General of the Department of Justice shall  
8 conduct audits of recipients of grants under this Act  
9 to prevent waste, fraud, and abuse of funds by  
10 grantees. The Inspector General shall determine the  
11 appropriate number of grantees to be audited each  
12 year.

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

19 (3) **PRIORITY.**—In awarding grants under this  
20 Act, the Attorney General shall give priority to eligi-  
21 ble entities that, during the 3 fiscal years before  
22 submitting an application for a grant under this Act,  
23 did not have an unresolved audit finding showing a  
24 violation in the terms or conditions of a Department  
25 of Justice grant program.

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

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

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

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

22          (6) NONPROFIT ORGANIZATION REQUIRE-  
23 MENTS.—

24          (A) DEFINITION.—For purposes of this  
25 section and the grant programs described in

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

6           (B) PROHIBITION.—The Attorney General  
7           shall not award a grant under any grant pro-  
8           gram described in this Act to a nonprofit orga-  
9           nization that holds money in offshore accounts  
10          for the purpose of avoiding paying the tax de-  
11          scribed in section 511(a) of the Internal Rev-  
12          enue Code of 1986.

13          (C) DISCLOSURE.—Each nonprofit organi-  
14          zation that is awarded a grant under a grant  
15          program described in this Act and uses the pro-  
16          cedures prescribed in regulations to create a re-  
17          buttable presumption of reasonableness for the  
18          compensation of its officers, directors, trustees  
19          and key employees, shall disclose to the Attor-  
20          ney General, in the application for the grant,  
21          the process for determining such compensation,  
22          including the independent persons involved in  
23          reviewing and approving such compensation, the  
24          comparability data used, and contemporaneous  
25          substantiation of the deliberation and decision.

1           Upon request, the Attorney General shall make  
2           the information disclosed under this subsection  
3           available for public inspection.

4           (7) ADMINISTRATIVE EXPENSES.—Unless oth-  
5           erwise explicitly provided in authorizing legislation,  
6           not more than 7.5 percent of the amounts author-  
7           ized to be appropriated under this Act may be used  
8           by the Attorney General for salaries and administra-  
9           tive expenses of the Department of Justice.

10          (8) CONFERENCE EXPENDITURES.—

11           (A) LIMITATION.—No amounts authorized  
12           to be appropriated to the Department of Justice  
13           under this Act may be used by the Attorney  
14           General or by any individual or organization  
15           awarded discretionary funds through a coopera-  
16           tive agreement under this Act, to host or sup-  
17           port any expenditure for conferences that uses  
18           more than \$20,000 in Department funds, un-  
19           less the Deputy Attorney General or the appro-  
20           priate Assistant Attorney General, Director, or  
21           principal deputy as the Deputy Attorney Gen-  
22           eral may designate, provides prior written au-  
23           thorization that the funds may be expended to  
24           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  
5           beverages, audio/visual equipment, honoraria  
6           for 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  
11          Representatives on all conference expenditures  
12          approved 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  
24           determines that any recipient of a grant under

1 this Act has violated subparagraph (A), the At-  
2 torney 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  
10 General awards a grant to an applicant under  
11 this Act, the Attorney General shall compare  
12 potential grant awards with other grants  
13 awarded under this Act to determine whether  
14 duplicate grants are awarded for the same pur-  
15 pose.

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

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

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

3 **SEC. 17. 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  
12 subsection (a) shall—

13 (1) examine the status of current workload,  
14 backlog, personnel, equipment, and equipment needs  
15 of public crime laboratories and medical examiner  
16 and 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 ap-  
22 propriate 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  
6 Laboratories, published in 2002, 2005, 2009,  
7 and 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  
15 8, 2014;

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

19 (5) be made available to the public.

20 **SEC. 18. 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))  
23 is amended by inserting “victim services,” before “dem-  
24 onstration projects”.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that the proposed rule entitled “VOCA Victim As-  
3 sistance Program” published by the Office of Victims of  
4 Crime of the Department of Justice in the Federal Reg-  
5 ister on August 27, 2013 (78 Fed. Reg. 52877), is con-  
6 sistent with section 1404 of the Victims of Crime Act of  
7 1984 (42 U.S.C. 10603).

8 **SEC. 19. IMPROVING THE RESTITUTION PROCESS.**

9 Section 3612 of title 18, United States Code, is  
10 amended by adding at the end the following:

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

13 “(1) IN GENERAL.—The Attorney General  
14 shall, as part of the regular evaluation process,  
15 evaluate each office of the United States attorney  
16 and each component of the Department of Justice  
17 on the performance of the office or the component,  
18 as the case may be, in seeking and recovering res-  
19 titution for victims under each provision of this title  
20 and the Controlled Substances Act (21 U.S.C. 801  
21 et seq.) that authorizes restitution.

22 “(2) REQUIREMENT.—Following an evaluation  
23 under paragraph (1), each office of the United  
24 States attorney and each component of the Depart-  
25 ment of Justice shall work to improve the practices

1 of the office or component, as the case may be, with  
2 respect to seeking and recovering restitution for vic-  
3 tims under each provision of this title and the Con-  
4 trolled Substances Act (21 U.S.C. 801 et seq.) that  
5 authorizes restitution.

6 “(k) GAO REPORTS.—

7 “(1) REPORT.—Not later than 1 year after the  
8 date of enactment of this subsection, the Comp-  
9 troller General of the United States shall prepare  
10 and submit to the Committee on the Judiciary of the  
11 House of Representatives and the Committee on the  
12 Judiciary of the Senate a report on restitution  
13 sought by the Attorney General under each provision  
14 of this title and the Controlled Substances Act (21  
15 U.S.C. 801 et seq.) that authorizes restitution dur-  
16 ing the 3-year period preceding the report.

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

20 “(A) the number of cases in which a de-  
21 fendant was convicted and the Attorney General  
22 could seek restitution under this title or the  
23 Controlled Substances Act (21 U.S.C. 801 et  
24 seq.);

1           “(B) the number of cases in which the At-  
2           torney General sought restitution;

3           “(C) of the cases in which the Attorney  
4           General sought restitution, the number of times  
5           restitution was ordered by the district courts of  
6           the United States;

7           “(D) the amount of restitution ordered by  
8           the district courts of the United States;

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

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

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

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

22                 “(A) requesting restitution in cases in  
23                 which restitution may be sought under each  
24                 provision of this title and the Controlled Sub-

1           stances Act (21 U.S.C. 801 et seq.) that au-  
2           thorizes restitution;

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

5           “(C) collecting restitution ordered by the  
6           district courts of the United States.

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

Passed the Senate June 16, 2016.

Attest:

*Secretary.*

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2577**

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## **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.