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.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Justice for All Reauthorization Act of 2016”.

SEC. 2. CRIME VICTIMS’ RIGHTS.

(a) Restitution During Supervised Release.—

Section 3583(d) of title 18, United States Code, is amended in the first sentence by inserting “, that the defendant make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution,” after “supervision”.

(b) Collection of Restitution From Defendant’s Estate.—Section 3613(b) of title 18, United States Code, is amended by adding at the end the following: “The liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the release from imprisonment of the person ordered to pay restitution. In the event of the death of the person ordered to pay restitution, the individual’s estate will be held responsible for any unpaid balance of the restitution amount, and the lien provided in subsection (e) of this section shall continue until the estate receives a written release of that liability.”.
(c) Victim Interpreters.—Rule 28 of the Federal Rules of Criminal Procedure is amended in the first sentence by inserting before the period at the end the following: “, including an interpreter for the victim”.

(d) GAO Study.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) conduct a study to determine whether enhancing the restitution provisions under sections 3663 and 3663A of title 18, United States Code, to provide courts broader authority to award restitution for Federal offenses would be beneficial to crime victims and what other factors Congress should consider in weighing such changes; and

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

(2) Contents.—In conducting the study under paragraph (1), the Comptroller General shall focus on the benefits to crime victims that would result if the restitution provisions under sections 3663 and 3663A of title 18, United States Code, were expanded—
(A) to apply to victims who have suffered harm, injury, or loss that would not have occurred but for the defendant’s related conduct;

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

(C) to require that the defendant pay to the victim an amount determined by the court to restore the victim to the position he or she would have been in had the defendant not committed the offense; and

(D) to require that the defendant compensate the victim for any injury, harm, or loss, including emotional distress, that occurred as a result of the offense.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) Crime Victims Legal Assistance Grants.—

Section 103(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2264) is amended—


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


SEC. 4. REDUCING THE RAPE KIT BACKLOG.

(a) In General.—Of the amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading “STATE AND LOCAL LAW ENFORCEMENT” under the heading “Office
OF JUSTICE PROGRAMS” under the heading “DEPARTMENT OF JUSTICE” in a fiscal year—

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

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

(b) REPORTING.—

(1) REPORT BY GRANT RECIPIENTS.—With respect to amounts made available to the Attorney General for a DNA Analysis and capacity enhancement program and for other local, State, and Federal forensic activities under the heading “STATE AND LOCAL LAW ENFORCEMENT” under the heading “OFFICE OF JUSTICE PROGRAMS” under the heading “DEPARTMENT OF JUSTICE”, the Attorney General shall require recipients of the amounts to
report on the effectiveness of the activities carried out using the amounts, including any information the Attorney General needs in order to submit the report required under paragraph (2).

(2) REPORT TO CONGRESS.—Not later than 1 month after the last day of each even-numbered fiscal year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, for each recipient of amounts described in paragraph (1)—

(A) the amounts distributed to the recipient;

(B) a summary of the purposes for which the amounts were used and an evaluation of the progress of the recipient in achieving those purposes;

(C) a statistical summary of the crime scene samples and arrestee or offender samples submitted to laboratories, the average time between the submission of a sample to a laboratory and the testing of the sample, and the percentage of the amounts that were paid to private laboratories; and
(D) an evaluation of the effectiveness of
the grant amounts in increasing capacity and
reducing backlogs.

SEC. 5. SEXUAL ASSAULT NURSE EXAMINERS.

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

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

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

“(c) PREFERENCE.—

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

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

“(B) hire full-time forensic nurse exam-
iners to conduct activities under subsection (a);
or
“(C) sustain or establish a training pro-
gram for forensic nurse examiners.

“(2) Directive to the Attorney Gen-
eral.—Not later than 120 days after the date of
enactment of the Justice for All Reauthorization Act
of 2016, the Attorney General shall coordinate with
the Secretary of Health and Human Services to in-
form Federally Qualified Health Centers, Commu-
nity Health Centers, hospitals, colleges and univer-
sities, and other appropriate health-related entities
about the role of forensic nurses and existing re-
sources available within the Department of Justice
and the Department of Health and Human Services
to train or employ forensic nurses to address the
needs of communities dealing with sexual assault,
domestic violence, and elder abuse. The Attorney
General shall collaborate on this effort with non-
governmental organizations representing forensic
nurses.”.

SEC. 6. PROTECTING THE VIOLENCE AGAINST WOMEN ACT.

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

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

(2) in clause (ii), by striking the period and in-
serting “; and”; and
(3) by inserting at the end the following:

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

SEC. 7. CLARIFICATION OF VIOLENCE AGAINST WOMEN ACT HOUSING PROTECTIONS.


(1) in the first sentence, by inserting “or resident” after “any remaining tenant”; and 

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

SEC. 8. STRENGTHENING THE PRISON RAPE ELIMINATION ACT.

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

(1) in section 6(d)(2) (42 U.S.C. 15605(d)(2)), by striking subparagraph (A) and inserting the following:

“(A)(i) include the certification of the chief executive that the State receiving such grant has adopted all national prison rape standards that, as of the date on which the application
was submitted, have been promulgated under this Act; or

“(ii) demonstrate to the Attorney General, in such manner as the Attorney General shall require, that the State receiving such grant is actively working to adopt and achieve full compliance with the national prison rape standards described in clause (i);”; and

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

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

“(2) ADOPTION OF NATIONAL STANDARDS.—

“(A) IN GENERAL.—For each fiscal year, any amount that a State would otherwise receive for prison purposes for that fiscal year under a grant program covered by this subsection shall be reduced by 5 percent, unless the chief executive officer of the State submits to the Attorney General proof of compliance with this Act through—

“(i) a certification that the State has adopted, and is in full compliance with, the national standards described in subsection (a); or
“(ii) an assurance that the State intends to adopt and achieve full compliance with those national standards so as to ensure that a certification under clause (i) may be submitted in future years, which includes—

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

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

“(B) RULES FOR CERTIFICATION.—

“(i) IN GENERAL.—A chief executive officer of a State who submits a certification under this paragraph shall also provide the Attorney General with—

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

“(II) a list of the prisons listed under subclause (I) that were audited during the most recently concluded audit year;
“(III) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year; and

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

“(ii) Audit appeal exception.—Beginning on the date that is 3 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State may submit a certification that the State is in full compliance pursuant to subparagraph (A)(i) even if a prison under the operational control of the executive branch of the State has an audit appeal pending.

“(C) Rules for assurances.—

“(i) In general.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii) shall also provide the Attorney General with—
“(I) a list of the prisons under the operational control of the executive branch of the State;

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

“(III) an explanation of any barriers the State faces to completing required audits;

“(IV) all final audit reports for prisons listed under subclause (I) that were completed during the most recently concluded audit year;

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

“(VI) an explanation of the State’s current degree of implementation of the national standards.

“(ii) ADDITIONAL REQUIREMENT.—A chief executive officer of a State who submits an assurance under subparagraph
(A)(ii)(I) shall, before receiving the applicable funds described in subparagraph (A)(ii)(I), also provide the Attorney General with a proposed plan for the expenditure of the funds during the applicable grant period.

“(iii) Accounting of funds.—A chief executive officer of a State who submits an assurance under subparagraph (A)(ii)(I) shall, in a manner consistent with the applicable grant reporting requirements, submit to the Attorney General a detailed accounting of how the funds described in subparagraph (A) were used.

“(D) Sunset of assurance option.—

“(i) In general.—On the date that is 3 years after the date of enactment of the Justice for All Reauthorization Act of 2016, subclause (II) of subparagraph (A)(ii) shall cease to have effect.

“(ii) Additional sunset.—On the date that is 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, clause (ii) of subparagraph (A) shall cease to have effect.
“(iii) **Emergency Assurances.**—

“(I) **Request.**—Notwithstanding clause (ii), during the 2-year period beginning 6 years after the date of enactment of the Justice for All Reauthorization Act of 2016, a chief executive officer of a State who certifies that the State has audited not less than 90 percent of prisons under the operational control of the executive branch of the State may request that the Attorney General allow the chief executive officer to submit an emergency assurance in accordance with subparagraph (A)(ii) as in effect on the day before the date on which that subparagraph ceased to have effect under clause (ii) of this subparagraph.

“(II) **Grant of Request.**—The Attorney General shall grant a request submitted under subclause (I) within 60 days upon a showing of good cause.

“(E) **Disposition of Funds Held in Abeyance.**—
“(i) IN GENERAL.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) subsequently submits a certification under subparagraph (A)(i) during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General will release all funds held in abeyance under subparagraph (A)(ii)(II) to be used by the State in accordance with the conditions of the grant program for which the funds were provided.

“(ii) RELEASE OF FUNDS.—If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016, but does assure the Attorney General that \( \frac{2}{3} \) of prisons under the operational control of the executive branch of the State have been audited at least once, the Attorney General shall release all of the funds of the
State held in abeyance to be used in adopting and achieving full compliance with the national standards, if the State agrees to comply with the applicable requirements in clauses (ii) and (iii) of subparagraph (C).

“(iii) Redistribution of funds.—
If the chief executive officer of a State who has submitted an assurance under subparagraph (A)(ii)(II) is unable to submit a certification during the 3-year period beginning on the date of enactment of the Justice for All Reauthorization Act of 2016 and does not assure the Attorney General that 2/3 of prisons under the operational control of the executive branch of the State have been audited at least once, the Attorney General shall redistribute the funds of the State held in abeyance to other States to be used in accordance with the conditions of the grant program for which the funds were provided.

“(F) Publication of audit results.—
Not later than 1 year after the date of enactment of the Justice for All Reauthorization Act of 2016, the Attorney General shall request
from each State, and make available on an ap-
propriate Internet website, all final audit re-
ports completed to date for prisons under the
operational control of the executive branch of
each State. The Attorney General shall update
such website annually with reports received
from States under subparagraphs (B)(i) and
(C)(i).

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

(B) by adding at the end the following:

“(8) BACKGROUND CHECKS FOR AUDITORS.—
An individual seeking certification by the Depart-
ment of Justice to serve as an auditor of prison
compliance with the national standards described in
subsection (a) shall, upon request, submit finger-
prints in the manner determined by the Attorney
General for criminal history record checks of the ap-
pllicable State and Federal Bureau of Investigation
repositories.”.

SEC. 9. ADDITIONAL REAUTHORIZATIONS.

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

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

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

†S 2577 ES
SEC. 10. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

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

(1) in section 2802(2) (42 U.S.C. 3797k(2)), by inserting after “bodies” the following: “and is accredited by an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement, or attests, in a manner that is legally binding and enforceable, to use a portion of the grant amount to prepare and apply for such accreditation not more than 2 years after the date on which a grant is awarded under section 2801”;

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

(A) in paragraph (1)—

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

(ii) by striking “75 percent” and inserting “85 percent”;

(B) in paragraph (2), by striking “Twenty-five percent” and inserting “Fifteen percent”;
(C) in paragraph (3), by striking “0.6 percent” and inserting “1 percent”;

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

(A) in paragraph (2)—

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

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

(B) in paragraph (3), by inserting “and medicolegal death investigators” after “laboratory personnel”; and

(C) by inserting at the end the following:

“(4) To address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation).

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

“(6) To work with the States and units of local government to direct funding to medicolegal death investigation systems to facilitate accreditation of medical examiner and coroner offices and certification of medicolegal death investigators.”; and
(4) in section 2806(a) (42 U.S.C. 3797o(a))—

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

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

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—
(1) in subsection (a), by striking “$75,000,000 for each of fiscal years 2005 through 2009” and inserting “$30,000,000 for each of fiscal years 2017 through 2021”; and

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

SEC. 12. POST-CONVICTION DNA TESTING.

(a) In general.—Section 3600 of title 18, United States Code, is amended—

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

(2) in subsection (a)—

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

(B) in paragraph (3)(A), by striking “and the applicant did not—” and all that follows through “knowingly fail to request” and inserting “and the applicant did not knowingly fail to request”;

(3) in subsection (b)(1)—
(A) in subparagraph (A), by striking “and” at the end;

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

(C) by adding at the end the following:

“(C) order the Government to—

“(i) prepare an inventory of the evidence related to the case; and

“(ii) issue a copy of the inventory to the court, the applicant, and the Government.”;

(4) in subsection (e)—

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

“(1) RESULTS.—

“(A) IN GENERAL.—The results of any DNA testing ordered under this section shall be simultaneously disclosed to the court, the applicant, and the Government.

“(B) RESULTS EXCLUDE APPLICANT.—

“(i) IN GENERAL.—If a DNA profile is obtained through testing that excludes the applicant as the source and the DNA complies with the Federal Bureau of Investigation’s requirements for the uploading
of crime scene profiles to the National DNA Index System (referred to in this subsection as ‘NDIS’), the court shall order that the law enforcement entity with direct or conveyed statutory jurisdiction that has access to the NDIS submit the DNA profile obtained from probative biological material from crime scene evidence to determine whether the DNA profile matches a profile of a known individual or a profile from an unsolved crime.

“(ii) NDIS SEARCH.—The results of a search under clause (i) shall be simultaneously disclosed to the court, the applicant, and the Government.”; and

(B) in paragraph (2), by striking “the National DNA Index System (referred to in this subsection as ‘NDIS’)” and inserting “NDIS”; and

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

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A of title 18, United States Code, is amend—
(1) in subsection (a), by striking “under a sentence of” and inserting “sentenced to”; and

(2) in subsection (c)—

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

and

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

SEC. 13. KIRK BLOODSWORTH POST-CONVICTION DNA TESTING PROGRAM.

(a) In general.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2017 through 2021”; and

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

“(2) for eligible entities that are a State or unit of local government, provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

“(A) provides DNA testing of specified evidence under a State statute or a State or local
rule or regulation to persons sentenced to im-
prisonment or death for a State felony offense,
in a manner intended to ensure a reasonable
process for resolving claims of actual innocence
that ensures post-conviction DNA testing in at
least those cases that would be covered by sec-
tion 3600(a) of title 18, United States Code,
had they been Federal cases and, if the results
of the testing exclude the applicant as the
source of the DNA, permits the applicant to
apply for post-conviction relief, notwithstanding
any provision of law that would otherwise bar
the application as untimely; and

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

(b) AUTHORIZATION OF APPROPRIATIONS.—Section
412(b) of the Justice for All Act of 2004 (42 U.S.C.
14136(e)(b)) is amended by striking “$5,000,000 for each 
of fiscal years 2005 through 2009” and inserting 
“$10,000,000 for each of fiscal years 2017 through 
2021”.

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

(a) IN GENERAL.—Subtitle A of title IV of the Just-
2278) is amended by adding at the end the following:

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

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

“(1) establish best practices for evidence retention 
to focus on the preservation of forensic evi-
dence; and

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

“(b) DEADLINE.—Not later than 1 year after the 
date of enactment of this section, the Director of the Na-
tional Institute of Justice shall publish the best practices 
established under subsection (a)(1).
“(c) LIMITATION.—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of contents in section 1(b) of the Justice for All Act of 2004 (Public Law 108–405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

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

SEC. 15. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the “Effective Administration of Criminal Justice Act of 2015”.

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

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

(2) by adding at the end the following:

“(6) A comprehensive Statewide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

“(A) be designed in consultation with local governments, and representatives of all seg-
ments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

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

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

“(D) describe the barriers at the State and local level for accessing data and implementing evidence-based approaches to preventing and reducing crime and recidivism; and

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

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

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

“(iii) provide an ongoing assessment of need;

“(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

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

“(b) Technical Assistance.—

“(1) Strategic Planning.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6). The Attorney General may enter into agreements with 1 or more non-governmental organizations to provide technical assistance and training under this paragraph.

“(2) Protection of Constitutional Rights.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, re-
questing support to meet the obligations established
by the Sixth Amendment to the Constitution of the
United States, which shall include—

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

“(B) assistance with adopting and implement-
ing a system for the administration of jus-
tice consistent with the requirements of the
Sixth Amendment.

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

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

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) Audit Requirement.—Beginning in fiscal year 2016, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) Mandatory Exclusion.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) Priority.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.
(4) **Reimbursement.**—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

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

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) **Defined Term.**—In this section, the term “unresolved audit finding” means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) **Nonprofit Organization Requirements.**—

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

(B) Prohibition.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) Disclosure.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision.

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

(7) ADMINISTRATIVE EXPENSES.—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.
(B) Written Approval.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) Report.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) Prohibition on Lobbying Activity.—

(A) In General.—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

(B) Penalty.—If the Attorney General determines that any recipient of a grant under
this Act has violated subparagraph (A), the Attorney General shall—

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

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

(10) PREVENTING DUPLICATIVE GRANTS.—

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

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

   (i) a list of all duplicate grants award-
ed, including the total dollar amount of
any duplicate grants awarded; and
(ii) the reason the Attorney General awarded the duplicate grants.

SEC. 17. NEEDS ASSESSMENT OF FORENSIC LABORATORIES.

(a) Study and Report.—Not later than October 1, 2018, the Attorney General shall conduct a study and submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the status and needs of the forensic science community.

(b) Requirements.—The report required under subsection (a) shall—

(1) examine the status of current workload, backlog, personnel, equipment, and equipment needs of public crime laboratories and medical examiner and coroner offices;

(2) include an overview of academic forensic science resources and needs, from a broad forensic science perspective, including nontraditional crime laboratory disciplines such as forensic anthropology, forensic entomology, and others as determined appropriate by the Attorney General;

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


(C) the National Academy of Sciences report, Strengthening Forensic Science: A Path Forward, published in 2009; and

(D) the Bureau of Justice Statistics survey of forensic providers recommended by the National Commission of Forensic Science and approved by the Attorney General on September 8, 2014;

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

(5) be made available to the public.

SEC. 18. CRIME VICTIM ASSISTANCE.

(a) Amendment.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting “victim services,” before “demonstration projects”.

Sec. 19. Improving the Restitution Process.

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

“(j) Evaluation of Offices of the United States Attorney and Department Components.—

“(1) In general.—The Attorney General shall, as part of the regular evaluation process, evaluate each office of the United States attorney and each component of the Department of Justice on the performance of the office or the component, as the case may be, in seeking and recovering restitution for victims under each provision of this title and the Controlled Substances Act (21 U.S.C. 801 et seq.) that authorizes restitution.

“(2) Requirement.—Following an evaluation under paragraph (1), each office of the United States attorney and each component of the Department of Justice shall work to improve the practices...
of the office or component, as the case may be, with
respect to seeking and recovering restitution for vic-
tims under each provision of this title and the Con-
trolled Substances Act (21 U.S.C. 801 et seq.) that
authorizes restitution.

“(k) GAO REPORTS.—

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

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

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

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

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

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

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

“(G) any other measurement the Comptroller General determines would assist in evaluating how to improve the restitution process in Federal criminal cases.

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

“(A) requesting restitution in cases in which restitution may be sought under each provision of this title and the Controlled Sub-
stances Act (21 U.S.C. 801 et seq.) that au-

therizes restitution;

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

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

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

Passed the Senate June 16, 2016.

Attest:

Secretary.
AN ACT

S. 2577

114th CONGRESS