

114TH CONGRESS
2^D SESSION

S. 2577

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.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2016

Mr. CORNYN (for himself, Mr. LEAHY, Ms. AYOTTE, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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 ad-

dress 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

1 in subsection (c) of this section shall continue until the
2 estate receives a written release of that liability.”.

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

7 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS**
8 **FOR CRIME VICTIMS.**

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

12 (1) in paragraph (1), by striking “2006, 2007,
13 2008, and 2009” and inserting “2017 through
14 2021”;

15 (2) in paragraph (2), by striking “2006, 2007,
16 2008, and 2009” and inserting “2017 through
17 2021”;

18 (3) in paragraph (3), by striking “2006, 2007,
19 2008, and 2009” and inserting “2017 through
20 2021”;

21 (4) in paragraph (4), by striking “2006, 2007,
22 2008, and 2009” and inserting “2017 through
23 2021”; and

1 (5) in paragraph (5), by striking “2006, 2007,
2 2008, and 2009” and inserting “2017 through
3 2021”.

4 (b) CRIME VICTIMS NOTIFICATION GRANTS.—Sec-
5 tion 1404E(c) of the Victims of Crime Act of 1984 (42
6 U.S.C. 10603e(c)) is amended by striking “2006, 2007,
7 2008, and 2009” and inserting “2017 through 2021”.

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

9 Of the amounts made available to the Attorney Gen-
10 eral for a DNA Analysis and capacity enhancement pro-
11 gram and for other local, State, and Federal forensic ac-
12 tivities under the heading “STATE AND LOCAL LAW EN-
13 FORCEMENT” under the heading “OFFICE OF JUSTICE
14 PROGRAMS” under the heading “DEPARTMENT OF
15 JUSTICE” in a fiscal year—

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

21 (2) not less than 5 percent of such amounts
22 shall be provided for grants for law enforcement
23 agencies to conduct audits of their backlogged rape
24 kits, including through the creation of a tracking
25 system, under section 2(a)(7) of the DNA Analysis

1 Backlog Elimination Act of 2000 (42 U.S.C.
2 14135(a)(7)), and to prioritize testing in those cases
3 in which the statute of limitation will soon expire.

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 paragraph (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 serting “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 sserting “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).

17 “(2) PROTECTION OF CONSTITUTIONAL
18 RIGHTS.—Not later than 90 days after the date of
19 enactment of this subsection, the Attorney General
20 shall begin to provide technical assistance to States
21 and local governments, including any agent thereof
22 with responsibility for administration of justice, re-
23 questing support to meet the obligations established
24 by the Sixth Amendment to the Constitution of the
25 United States, which shall include—

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

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

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

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

20 **SEC. 16. OVERSIGHT AND ACCOUNTABILITY.**

21 All grants awarded by the Department of Justice that
22 are authorized under this Act shall be subject to the fol-
23 lowing:

24 (1) AUDIT REQUIREMENT.—Beginning in fiscal
25 year 2016, and each fiscal year thereafter, the In-

1 spector General of the Department of Justice shall
2 conduct audits of recipients of grants under this Act
3 to prevent waste, fraud, and abuse of funds by
4 grantees. The Inspector General shall determine the
5 appropriate number of grantees to be audited each
6 year.

7 (2) MANDATORY EXCLUSION.—A recipient of
8 grant funds under this Act that is found to have an
9 unresolved audit finding shall not be eligible to re-
10 ceive grant funds under this Act during the 2 fiscal
11 years beginning after the 12-month period described
12 in paragraph (5).

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

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

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

5 (B) seek to recoup the costs of the repay-
6 ment to the fund from the grant recipient that
7 was erroneously awarded grant funds.

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

17 (6) NONPROFIT ORGANIZATION REQUIRE-
18 MENTS.—

19 (A) DEFINITION.—For purposes of this
20 section and the grant programs described in
21 this Act, the term “nonprofit organization”
22 means an organization that is described in sec-
23 tion 501(c)(3) of the Internal Revenue Code of
24 1986 and is exempt from taxation under section
25 501(a) of such Code.

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

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

24 (7) ADMINISTRATIVE EXPENSES.—Unless oth-
25 erwise explicitly provided in authorizing legislation,

1 not more than 7.5 percent of the amounts author-
2 ized to be appropriated under this Act may be used
3 by the Attorney General for salaries and administra-
4 tive expenses of the Department of Justice.

5 (8) CONFERENCE EXPENDITURES.—

6 (A) LIMITATION.—No amounts authorized
7 to be appropriated to the Department of Justice
8 under this Act may be used by the Attorney
9 General or by any individual or organization
10 awarded discretionary funds through a coopera-
11 tive agreement under this Act, to host or sup-
12 port any expenditure for conferences that uses
13 more than \$20,000 in Department funds, un-
14 less the Deputy Attorney General or the appro-
15 priate Assistant Attorney General, Director, or
16 principal deputy as the Deputy Attorney Gen-
17 eral may designate, provides prior written au-
18 thorization that the funds may be expended to
19 host a conference.

20 (B) WRITTEN APPROVAL.—Written ap-
21 proval under subparagraph (A) shall include a
22 written estimate of all costs associated with the
23 conference, including the cost of all food and
24 beverages, audio/visual equipment, honoraria
25 for speakers, and any entertainment.

1 (C) REPORT.—The Deputy Attorney Gen-
2 eral shall submit an annual report to the Com-
3 mittee on the Judiciary of the Senate and the
4 Committee on the Judiciary of the House of
5 Representatives on all conference expenditures
6 approved by operation of this paragraph.

7 (9) PROHIBITION ON LOBBYING ACTIVITY.—

8 (A) IN GENERAL.—Amounts authorized to
9 be appropriated under this Act may not be uti-
10 lized by any grant recipient to—

11 (i) lobby any representative of the De-
12 partment of Justice regarding the award of
13 grant funding; or

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

17 (B) PENALTY.—If the Attorney General
18 determines that any recipient of a grant under
19 this Act has violated subparagraph (A), the At-
20 torney General shall—

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

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

1 **SEC. 17. NEEDS ASSESSMENT OF FORENSIC LABORA-**
2 **TORIES.**

3 (a) **STUDY AND REPORT.**—Not later than October 1,
4 2018, the Attorney General shall conduct a study and sub-
5 mit a report to the Committee on the Judiciary of the Sen-
6 ate and the Committee on the Judiciary of the House of
7 Representatives on the status and needs of the forensic
8 science community.

9 (b) **REQUIREMENTS.**—The report required under
10 subsection (a) shall—

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

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

21 (3) consider—

22 (A) the National Institute of Justice study,
23 Forensic Sciences: Review of Status and Needs,
24 published in 1999;

25 (B) the Bureau of Justice Statistics census
26 reports on Publicly Funded Forensic Crime

1 Laboratories, published in 2002, 2005, 2009,
2 and 2014;

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

6 (D) the Bureau of Justice Statistics survey
7 of forensic providers recommended by the Na-
8 tional Commission of Forensic Science and ap-
9 proved by the Attorney General on September
10 8, 2014;

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

14 (5) be made available to the public.

15 **SEC. 18. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) the authority of the Director of the Office
18 of Victims of Crime under section 1404 of the Vic-
19 tims of Crime Act of 1984 (42 U.S.C. 10603) in-
20 cludes funding ongoing projects that provide services
21 to victims of crime on a nationwide basis or Ameri-
22 cans abroad who are victims of crimes committed
23 outside of the United States; and

24 (2) the proposed rule entitled “VOCA Victim
25 Assistance Program” published by the Office of Vic-

1 tims of Crime of the Department of Justice in the
2 Federal Register on August 27, 2013 (78 Fed. Reg.
3 52877), is consistent with section 1404 of the Vic-
4 tims of Crime Act of 1984 (42 U.S.C. 10603).

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