

114TH CONGRESS
2D SESSION

S. 2577

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2016

Referred to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 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 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).

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

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

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

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

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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-

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: JULIE E. ADAMS,
Secretary.