

Suspend the Rules and Pass the Bill, S. 2577, with An Amendment
**(The amendment strikes all after the enacting clause and inserts a
new text)**

114TH CONGRESS
2^D 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. REDUCING THE RAPE KIT BACKLOG.**

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

1 MENT OF JUSTICE” in fiscal years 2018, 2019, 2020,
2 and 2021—

3 (1) not less than 75 percent of such amounts
4 shall be provided for grants for activities described
5 under paragraphs (1), (2), and (3) of section 2(a)
6 of the DNA Analysis Backlog Elimination Act of
7 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 under section 2(a)(7) of the DNA Analysis
12 Backlog Elimination Act of 2000 (42 U.S.C.
13 14135(a)(7)) to create and operate associated track-
14 ing systems 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. 4. 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) improve forensic nurse examiner pro-
19 grams in a rural area or for an underserved
20 population, as those terms are defined in sec-
21 tion 4002 of the Violence Against Women Act
22 of 1994 (42 U.S.C. 13925);

23 “(B) engage in activities that will assist in
24 the employment of full-time forensic nurse ex-

1 aminers to conduct activities under subsection
2 (a); or

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

5 “(2) DIRECTIVE TO THE ATTORNEY GEN-
6 ERAL.—Not later than the beginning of fiscal year
7 2018, the Attorney General shall coordinate with the
8 Secretary of Health and Human Services to inform
9 Federally Qualified Health Centers, Community
10 Health Centers, hospitals, colleges and universities,
11 and other appropriate health-related entities about
12 the role of forensic nurses and existing resources
13 available within the Department of Justice and the
14 Department of Health and Human Services to train
15 or employ forensic nurses to address the needs of
16 communities dealing with sexual assault, domestic
17 violence, and elder abuse. The Attorney General
18 shall collaborate on this effort with nongovernmental
19 organizations representing forensic nurses.”.

20 **SEC. 5. 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. 6. 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. 7. 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 con-
23 trol of the executive branch of the State
24 have been audited at least once, the Attor-
25 ney General shall release all of the funds

1 of the State held in abeyance to be used in
2 adopting and achieving full compliance
3 with the national standards, if the State
4 agrees to comply with the applicable re-
5 quirements in clauses (ii) and (iii) of sub-
6 paragraph (C).

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

23 “(F) PUBLICATION OF AUDIT RESULTS.—
24 Not later than 1 year after the date of enact-
25 ment of the Justice for All Reauthorization Act

1 of 2016, the Attorney General shall request
2 from each State, and make available on an ap-
3 propriate Internet website, all final audit re-
4 ports completed to date for prisons under the
5 operational control of the executive branch of
6 each State. The Attorney General shall update
7 such website annually with reports received
8 from States under subparagraphs (B)(i) and
9 (C)(i).

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

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

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

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

7 **SEC. 8. ADDITIONAL REAUTHORIZATIONS.**

8 (a) DNA RESEARCH AND DEVELOPMENT.—Section
9 305(c) of the Justice for All Act of 2004 (42 U.S.C.
10 14136b(c)) is amended by striking “\$15,000,000 for each
11 of fiscal years 2005 through 2009” and inserting
12 “\$5,000,000 for each of fiscal years 2017 through 2021”.

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

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

1 **SEC. 9. 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, except
8 with regard to any medical examiner’s office, or
9 coroner’s office in the State, is accredited by an ac-
10 crediting body that is a signatory to an internation-
11 ally recognized arrangement and that offers accredi-
12 tation to forensic science conformity assessment bod-
13 ies using an accreditation standard that is recog-
14 nized by that internationally recognized arrange-
15 ment, or attests, in a manner that is legally binding
16 and enforceable, to use a portion of the grant
17 amount to prepare and apply for such accreditation
18 not more than 2 years after the date on which a
19 grant is awarded under section 2801”;

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

21 (A) in paragraph (1)—

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

24 (ii) by striking “75 percent” and in-
25 serting “85 percent”;

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

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

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

7 (A) in paragraph (2)—

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

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

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

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

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

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

23 “(6) To fund medicolegal death investigation
24 systems to facilitate accreditation of medical exam-

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(M) \$21,000,000 for fiscal year 2020;
2 and
3 “(N) \$23,000,000 for fiscal year 2021.”.

4 **SEC. 10. IMPROVING THE QUALITY OF REPRESENTATION**
5 **IN STATE CAPITAL CASES.**

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

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

11 “(1) \$2,500,000 for fiscal year 2017;

12 “(2) \$7,500,000 for fiscal year 2018;

13 “(3) \$12,500,000 for fiscal year 2019;

14 “(4) \$17,500,000 for fiscal year 2020; and

15 “(5) \$22,500,000 for fiscal year 2021.”; and

16 (2) in subsection (b), by inserting before the pe-
17 riod at the end the following: “, or upon a showing
18 of good cause, and at the discretion of the Attorney
19 General, the State may determine a fair allocation of
20 funds across the uses described in sections 421 and
21 422”.

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

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

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

3 (2) in subsection (a)—

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

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

11 (3) in subsection (b)(1)—

12 (A) in subparagraph (A), by striking
13 “and” at the end;

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

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

17 “(C) order the Government to—

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

20 “(ii) issue a copy of the inventory to
21 the court, the applicant, and the Govern-
22 ment.”;

23 (4) in subsection (e)—

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

1 “(1) RESULTS.—

2 “(A) IN GENERAL.—The results of any
3 DNA testing ordered under this section shall be
4 simultaneously disclosed to the court, the appli-
5 cant, and the Government.

6 “(B) RESULTS EXCLUDE APPLICANT.—

7 “(i) IN GENERAL.—If a DNA profile
8 is obtained through testing that excludes
9 the applicant as the source and the DNA
10 complies with the Federal Bureau of Inves-
11 tigation’s requirements for the uploading
12 of crime scene profiles to the National
13 DNA Index System (referred to in this
14 subsection as ‘NDIS’), the court shall
15 order that the law enforcement entity with
16 direct or conveyed statutory jurisdiction
17 that has access to the NDIS submit the
18 DNA profile obtained from probative bio-
19 logical material from crime scene evidence
20 to determine whether the DNA profile
21 matches a profile of a known individual or
22 a profile from an unsolved crime.

23 “(ii) NDIS SEARCH.—The results of a
24 search under clause (i) shall be simulta-

1 neously disclosed to the court, the appli-
2 cant, and the Government.”; and

3 (B) in paragraph (2), by striking “the Na-
4 tional DNA Index System (referred to in this
5 subsection as ‘NDIS’)” and inserting “NDIS”;
6 and

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

9 (b) PRESERVATION OF BIOLOGICAL EVIDENCE.—
10 Section 3600A of title 18, United States Code, is amend-
11 ed—

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

14 (2) in subsection (c)—

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

16 and

17 (B) by redesignating paragraphs (3), (4),

18 and (5) as paragraphs (1), (2), and (3), respec-

19 tively.

20 **SEC. 12. KIRK BLOODSWORTH POST-CONVICTION DNA**
21 **TESTING PROGRAM.**

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

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

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

6 “(2) for eligible entities that are a State or unit
7 of local government, provide a certification by the
8 chief legal officer of the State in which the eligible
9 entity operates or the chief legal officer of the juris-
10 diction in which the funds will be used for the pur-
11 poses of the grants, that the State or jurisdiction—

12 “(A) provides DNA testing of specified evi-
13 dence under a State statute or a State or local
14 rule or regulation to persons sentenced to im-
15 prisonment or death for a State felony offense,
16 in a manner intended to ensure a reasonable
17 process for resolving claims of actual innocence
18 that ensures post-conviction DNA testing in at
19 least those cases that would be covered by sec-
20 tion 3600(a) of title 18, United States Code,
21 had they been Federal cases and, if the results
22 of the testing exclude the applicant as the
23 source of the DNA, permits the applicant to
24 apply for post-conviction relief, notwithstanding

1 any provision of law that would otherwise bar
2 the application as untimely; and

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

13 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
14 412(b) of the Justice for All Act of 2004 (42 U.S.C.
15 14136e(b)) is amended by striking “\$5,000,000 for each
16 of fiscal years 2005 through 2009” and inserting
17 “\$10,000,000 for each of fiscal years 2017 through
18 2021”.

19 **SEC. 13. ESTABLISHMENT OF BEST PRACTICES FOR EVI-**
20 **DENCE RETENTION.**

21 (a) **IN GENERAL.**—Subtitle A of title IV of the Jus-
22 tice for All Act of 2004 (Public Law 108–405; 118 Stat.
23 2278) is amended by adding at the end the following:

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

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

7 “(1) establish best practices for evidence reten-
8 tion to focus on the preservation of forensic evi-
9 dence; and

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

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

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

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
21 The table of contents in section 1(b) of the Justice for
22 All Act of 2004 (Public Law 108–405; 118 Stat. 2260)
23 is amended by inserting after the item relating to section
24 413 the following:

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

1 **SEC. 14. EFFECTIVE ADMINISTRATION OF CRIMINAL JUS-**
2 **TICE.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Effective Administration of Criminal Justice Act of
5 2016”.

6 (b) **STRATEGIC PLANNING.**—Section 502 of title I of
7 the Omnibus Crime Control and Safe Streets Act of 1968
8 (42 U.S.C. 3752) is amended—

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

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

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

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

24 “(B) include a description of how the State
25 will allocate funding within and among each of

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

3 “(C) describe the process used by the State
4 for gathering evidence-based data and devel-
5 oping and using evidence-based and evidence-
6 gathering approaches in support of funding de-
7 cisions;

8 “(D) describe the barriers at the State and
9 local level for accessing data and implementing
10 evidence-based approaches to preventing and re-
11 ducing crime and recidivism; and

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

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

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

20 “(iii) provide an ongoing assessment
21 of need;

22 “(iv) discuss the accomplishment of
23 goals identified in any plan previously pre-
24 pared under this paragraph; and

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

3 “(b) TECHNICAL ASSISTANCE.—

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

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

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

1 “(B) assistance with adopting and imple-
2 menting a system for the administration of jus-
3 tice consistent with the requirements of the
4 Sixth Amendment.

5 “(3) AUTHORIZATION OF APPROPRIATIONS.—
6 For each of fiscal years 2017 through 2021, of the
7 amounts appropriated to carry out this subpart, not
8 less than \$5,000,000 and not more than
9 \$10,000,000 shall be used to carry out this sub-
10 section.”.

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

18 **SEC. 15. OVERSIGHT AND ACCOUNTABILITY.**

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

22 (1) AUDIT REQUIREMENT.—Beginning in fiscal
23 year 2016, and each fiscal year thereafter, the In-
24 spector General of the Department of Justice shall
25 conduct audits of recipients of grants under this Act

1 to prevent waste, fraud, and abuse of funds by
2 grantees. The Inspector General shall determine the
3 appropriate number of grantees to be audited each
4 year.

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

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

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

23 (A) deposit an amount equal to the grant
24 funds that were improperly awarded to the

1 grantee into the General Fund of the Treasury;
2 and

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

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

15 (6) NONPROFIT ORGANIZATION REQUIRE-
16 MENTS.—

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

24 (B) PROHIBITION.—The Attorney General
25 shall not award a grant under any grant pro-

1 gram described in this Act to a nonprofit orga-
2 nization that holds money in offshore accounts
3 for the purpose of avoiding paying the tax de-
4 scribed in section 511(a) of the Internal Rev-
5 enue Code of 1986.

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

22 (7) ADMINISTRATIVE EXPENSES.—Unless oth-
23 erwise explicitly provided in authorizing legislation,
24 not more than 7.5 percent of the amounts author-
25 ized to be appropriated under this Act may be used

1 by the Attorney General for salaries and administra-
2 tive expenses of the Department of Justice.

3 (8) CONFERENCE EXPENDITURES.—

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

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

24 (C) REPORT.—The Deputy Attorney Gen-
25 eral shall submit an annual report to the Com-

1 mittee on the Judiciary of the Senate and the
2 Committee on the Judiciary of the House of
3 Representatives on all conference expenditures
4 approved by operation of this paragraph.

5 (9) PROHIBITION ON LOBBYING ACTIVITY.—

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

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

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

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

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

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

24 (10) PREVENTING DUPLICATIVE GRANTS.—

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

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

15 (i) a list of all duplicate grants award-
16 ed, including the total dollar amount of
17 any duplicate grants awarded; and

18 (ii) the reason the Attorney General
19 awarded the duplicate grants.

20 **SEC. 16. NEEDS ASSESSMENT OF FORENSIC LABORA-**
21 **TORIES.**

22 (a) STUDY AND REPORT.—Not later than October 1,
23 2018, the Attorney General shall conduct a study and sub-
24 mit a report to the Committee on the Judiciary of the Sen-
25 ate and the Committee on the Judiciary of the House of

1 Representatives on the status and needs of the forensic
2 science community.

3 (b) REQUIREMENTS.—The report required under
4 subsection (a) shall—

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

9 (2) include an overview of academic forensic
10 science resources and needs, from a broad forensic
11 science perspective, including nontraditional crime
12 laboratory disciplines such as forensic anthropology,
13 forensic entomology, and others as determined ap-
14 propriate by the Attorney General;

15 (3) consider—

16 (A) the National Institute of Justice study,
17 Forensic Sciences: Review of Status and Needs,
18 published in 1999;

19 (B) the Bureau of Justice Statistics census
20 reports on Publicly Funded Forensic Crime
21 Laboratories, published in 2002, 2005, 2009,
22 and 2014;

23 (C) the National Academy of Sciences re-
24 port, Strengthening Forensic Science: A Path
25 Forward, published in 2009; and

1 (D) the Bureau of Justice Statistics survey
2 of forensic providers recommended by the Na-
3 tional Commission of Forensic Science and ap-
4 proved by the Attorney General on September
5 8, 2014;

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

9 (5) be made available to the public.

10 **SEC. 17. CRIME VICTIM ASSISTANCE.**

11 (a) AMENDMENT.—Section 1404(c)(1)(A) of the Vic-
12 tims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A))
13 is amended by inserting “victim services,” before “dem-
14 onstration projects”.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that the proposed rule entitled “VOCA Victim As-
17 sistance Program” published by the Office of Victims of
18 Crime of the Department of Justice in the Federal Reg-
19 ister on August 27, 2013 (78 Fed. Reg. 52877), is con-
20 sistent with section 1404 of the Victims of Crime Act of
21 1984 (42 U.S.C. 10603).

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

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

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

3 “(1) IN GENERAL.—The Attorney General
4 shall, as part of the regular evaluation process,
5 evaluate each office of the United States attorney
6 and each component of the Department of Justice
7 on the performance of the office or the component,
8 as the case may be, in seeking and recovering res-
9 titution for victims under each provision of this title
10 and the Controlled Substances Act (21 U.S.C. 801
11 et seq.) that authorizes restitution.

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

21 “(k) GAO REPORTS.—

22 “(1) REPORT.—Not later than 1 year after the
23 date of enactment of this subsection, the Comp-
24 troller General of the United States shall prepare
25 and submit to the Committee on the Judiciary of the

1 House of Representatives and the Committee on the
2 Judiciary of the Senate a report on restitution
3 sought by the Attorney General under each provision
4 of this title and the Controlled Substances Act (21
5 U.S.C. 801 et seq.) that authorizes restitution dur-
6 ing the 3-year period preceding the report.

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

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

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

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

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

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

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

4 “(G) any other measurement the Comp-
5 troller General determines would assist in evalu-
6 ating how to improve the restitution process in
7 Federal criminal cases.

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

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

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

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

20 “(4) REPORT.—Not later than 3 years after the
21 date on which the report required under paragraph
22 (1) is submitted, the Comptroller General of the
23 United States shall prepare and submit to the Com-
24 mittee on the Judiciary of the House of Representa-
25 tives and the Committee on the Judiciary of the

1 Senate a report on the implementation by the Attor-
2 ney General of the best practices recommended
3 under paragraph (3).”.