

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**S. 2577**

To protect crime victims' rights, to eliminate the substantial backlog of DNA and other forensic evidence samples to improve and expand the forensic science testing capacity of Federal, State, and local crime laboratories, to increase research and development of new testing technologies, to develop new training programs regarding the collection and use of forensic evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to support accreditation efforts of forensic science laboratories and medical examiner offices, to address training and equipment needs, to improve the performance of counsel in State capital cases, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by \_\_\_\_\_

Viz:

1       On page 3, between lines 6 and 7, insert the fol-  
2       lowing:

3       (d) GAO STUDY.—

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

1           (A) conduct a study to determine whether  
2           enhancing the restitution provisions under sec-  
3           tions 3663 and 3663A of title 18, United  
4           States Code, to provide courts broader author-  
5           ity to award restitution for Federal offenses  
6           would be beneficial to crime victims and what  
7           other factors Congress should consider in  
8           weighing such changes; and

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

11          (2) CONTENTS.—In conducting the study under  
12          paragraph (1), the Comptroller General shall focus  
13          on the benefits to crime victims that would result if  
14          the restitution provisions under sections 3663 and  
15          3663A of title 18, United States Code, were ex-  
16          panded—

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

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

1 (C) to require that the defendant pay to  
2 the victim an amount determined by the court  
3 to restore the victim to the position he or she  
4 would have been in had the defendant not com-  
5 mitted the offense; and

6 (D) to require that the defendant com-  
7 pensate the victim for any injury, harm, or loss,  
8 including emotional distress, that occurred as a  
9 result of the offense.

10 On page 29, line 16, insert “The Attorney General  
11 may enter into agreements with 1 or more non-govern-  
12 mental organizations to provide technical assistance and  
13 training under this paragraph.” after “subsection (a)(6).”.

14 Beginning on page 37, strike line 15 and all that fol-  
15 lows through page 38, line 4 and insert the following:

16 **SEC. 18. CRIME VICTIM ASSISTANCE.**

17 Section 1404(c)(1)(A) of the Victims of Crime Act  
18 of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by insert-  
19 ing “victim services,” before “demonstration projects”.

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

21 Section 3612 of title 18, United States Code, is  
22 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 sections 3663 and 3663A.

10          “(2) REQUIREMENT.—Following an evaluation  
11 under paragraph (1), each office of the United  
12 States attorney and each component of the Depart-  
13 ment of Justice shall work to improve the practices  
14 of the office or component, as the case may be, with  
15 respect to seeking and recovering restitution for vic-  
16 tims under sections 3663 and 3663A.

17       “(k) GAO REPORTS.—

18           “(1) REPORT.—Not later than 1 year after the  
19 date of enactment of this subsection, the Comp-  
20 troller General of the United States shall prepare  
21 and submit to the Committee on the Judiciary of the  
22 House of Representatives and the Committee on the  
23 Judiciary of the Senate a report on restitution  
24 sought by the Attorney General under sections 3663

1       and 3663A during the 3-year period preceding the  
2       report.

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

6           “(A) the number of cases in which a de-  
7       fendant was convicted and the Attorney General  
8       could seek restitution under this title;

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

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

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

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

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

23          “(G) any other measurement the Comp-  
24      troller General determines would assist in evalu-

1           ating how to improve the restitution process in  
2           Federal criminal cases.

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

6                   “(A) requesting restitution in cases in  
7                   which restitution may be sought under sections  
8                   3663 and 3663A;

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

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

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