

107TH CONGRESS
2^D SESSION

S. 2055

To make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2002

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, 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 “Debbie Smith Act”.

1 **SEC. 2. AUTHORIZATION OF GRANTS FOR TRAINING IN THE**
2 **HANDLING OF SEXUAL ASSAULT CASES.**

3 (a) **AUTHORIZATION OF GRANTS.**—The Attorney
4 General may make grants to eligible States for use by the
5 States to carry out sexual assault nurse examiner pro-
6 grams and to train law enforcement personnel and first
7 responders in the handling of sexual assault cases and the
8 collection and use of DNA samples for use as forensic evi-
9 dence.

10 (b) **ELIGIBILITY.**—For a State to be eligible to re-
11 ceive a grant under this section, the chief executive officer
12 of the State shall submit to the Attorney General an appli-
13 cation in such form and containing such information as
14 the Attorney General may require. The application shall
15 include a certification that the State shall comply with the
16 quality assurance and proficiency testing standards for
17 collecting and processing samples issued by the Director
18 of the Federal Bureau of Investigation under section
19 210303 of the DNA Identification Act of 1994 (42 U.S.C.
20 14131).

21 (c) **RESTRICTIONS ON USE OF FUNDS.**—

22 (1) **NONSUPPLANTING.**—Funds made available
23 pursuant to this section shall not be used to sup-
24 plant State funds, but shall be used to increase the
25 amount of funds that would, in the absence of Fed-

1 eral funds, be made available from State sources for
2 the purposes of this Act.

3 (2) ADMINISTRATIVE COSTS.—A State may not
4 use more than 3 percent of the funds it receives for
5 administrative expenses pursuant to this section.

6 (d) REPORTS TO THE ATTORNEY GENERAL.—Each
7 State that receives a grant under this section shall submit
8 to the Attorney General, for each year in which funds from
9 a grant received under this section is expended, a report,
10 at such time and in such manner as the Attorney General
11 may reasonably require, which contains—

12 (1) a summary of the activities carried out
13 under the grant and an assessment of whether such
14 activities are meeting the needs identified in the ap-
15 plication; and

16 (2) such other information as the Attorney
17 General may require.

18 (e) REPORTS TO CONGRESS.—Not later than 90 days
19 after the end of each fiscal year for which grants are made
20 under this section, the Attorney General shall submit to
21 Congress a report that includes—

22 (1) the aggregate amount of grants made under
23 this section to each State for such fiscal year; and

24 (2) a summary of the information provided by
25 the States receiving grants under this section.

1 (f) EXPENDITURE RECORDS.—

2 (1) IN GENERAL.—Each State that receives a
3 grant under this section shall keep records as the
4 Attorney General may require to facilitate an effec-
5 tive audit of the receipt and use of grant funds re-
6 ceived under this section.

7 (2) ACCESS.—Each State that receives a grant
8 under this section shall make available, for the pur-
9 pose of audit and examination, such records as are
10 related to the receipt or use of any such grant.

11 (g) DEFINITION.—For purposes of this section, the
12 term “State” means a State of the United States, the Dis-
13 trict of Columbia, the Commonwealth of Puerto Rico, the
14 United States Virgin Islands, American Samoa, Guam,
15 and the Northern Mariana Islands.

16 (h) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated for each of the fiscal
18 years 2002 through 2005, such sums as may be necessary
19 to carry out the provisions of this section.

20 **SEC. 3. QUALITY ASSURANCE STANDARDS FOR FORENSIC**
21 **EVIDENCE COLLECTION KITS.**

22 Section 210303 of the DNA Identification Act of
23 1994 (42 U.S.C. 14131) is amended—

24 (1) in subsection (a)(1)(C)—

1 (A) by striking “including standards for
2 testing” and inserting “including standards
3 for—

4 “(i) testing”;

5 (B) by striking the period at the end and
6 inserting “; and”; and

7 (C) by adding at the end the following new
8 clause:

9 “(ii) collecting and processing, for use
10 as forensic evidence, samples on which
11 DNA analysis may be carried out.”; and

12 (2) in subsection (a)(2)—

13 (A) by striking “including standards for
14 testing” and inserting “including standards
15 for—

16 “(A) testing”;

17 (B) by striking the period at the end and
18 inserting “; and”; and

19 (C) by adding at the end the following new
20 subparagraph:

21 “(B) collecting and processing, for use as
22 forensic evidence, samples on which DNA anal-
23 ysis may be carried out.”.

1 **SEC. 4. AUTHORIZATION OF GRANTS TO CARRY OUT DNA**
2 **ANALYSES OF SAMPLES FROM CRIME**
3 **SCENES.**

4 (a) **AUTHORIZATION OF GRANTS.**—The Attorney
5 General may make grants to eligible States for use by the
6 State to carry out, for inclusion in the Combined DNA
7 Index System of the Federal Bureau of Investigation,
8 DNA analyses of samples from crime scenes.

9 (b) **ELIGIBILITY.**—For a State to be eligible to re-
10 ceive a grant under this section, the chief executive officer
11 of the State shall submit to the Attorney General an appli-
12 cation, in such form and containing such information as
13 the Attorney General may require. The application shall—

14 (1) provide assurances that the State has a
15 plan in place, to be fully effective not later than 5
16 years after the date of such application, under
17 which, for each sample specified in subsection (a),
18 DNA analysis is carried out on the sample not later
19 than 10 days after the sample is obtained; and

20 (2) include a certification that each DNA anal-
21 ysis carried out under the plan shall be maintained
22 pursuant to the privacy requirements described in
23 section 210304(b)(3) of the DNA Identification Act
24 of 1994 (42 U.S.C. 14132(b)(3)).

25 (c) **RESTRICTIONS ON USE OF FUNDS.**—

1 (1) NONSUPPLANTING.—Funds made available
2 pursuant to this section shall not be used to sup-
3 plant State funds, but shall be used to increase the
4 amount of funds that would, in the absence of Fed-
5 eral funds, be made available from State sources for
6 the purposes of this Act.

7 (2) ADMINISTRATIVE COSTS.—A State may not
8 use more than 3 percent of the funds it receives for
9 administrative expenses pursuant to this section.

10 (d) REPORTS TO THE ATTORNEY GENERAL.—Each
11 State which receives a grant under this section shall sub-
12 mit to the Attorney General, for each year in which funds
13 from a grant received under this section is expended, a
14 report at such time and in such manner as the Attorney
15 General may reasonably require, which contains—

16 (1) a summary of the activities carried out
17 under the grant and an assessment of whether such
18 activities are meeting the needs identified in the ap-
19 plication; and

20 (2) such other information as the Attorney
21 General may require.

22 (e) REPORTS TO CONGRESS.—Not later than 90 days
23 after the end of each fiscal year for which grants are made
24 under this section, the Attorney General shall submit to
25 Congress a report that includes—

1 (1) the aggregate amount of grants made under
2 this section to each State for such fiscal year; and

3 (2) a summary of the information provided by
4 the States receiving grants under this section.

5 (f) EXPENDITURE RECORDS.—

6 (1) IN GENERAL.—Each State which receives a
7 grant under this section shall keep records as the
8 Attorney General may require to facilitate an effective
9 audit of the receipt and use of grant funds received
10 under this section.

11 (2) ACCESS.—Each State which receives a
12 grant under this section shall make available, for the
13 purpose of audit and examination, such records as
14 are related to the receipt or use of any such grant.

15 (g) DEFINITION.—For purposes of this section, the
16 term “State” means a State of the United States, the District
17 of Columbia, the Commonwealth of Puerto Rico, the
18 United States Virgin Islands, American Samoa, Guam,
19 and the Northern Mariana Islands.

20 (h) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated for each of the fiscal
22 years 2002 through 2005, such sums as may be necessary
23 to carry out the provisions of this section.

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