

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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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

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## 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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