

Calendar No. 80

116TH CONGRESS
1ST SESSION

S. 820

To strengthen programs authorized under the Debbie Smith Act of 2004.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2019

Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. TILLIS, Mr. BLUMENTHAL, Ms. ERNST, Ms. MCSALLY, Mr. BURR, Mr. LEAHY, Ms. KLOBUCHAR, Mrs. BLACKBURN, Mr. HAWLEY, Mr. CRAPO, Mr. SCOTT of South Carolina, Mr. BRAUN, Mr. KENNEDY, Mr. DURBIN, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 9, 2019

Reported by Mr. GRAHAM, with amendments

[Omit the part struck through and insert the part printed in *italie*]

A BILL

To strengthen programs authorized under the Debbie Smith Act of 2004.

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 of
5 2019”.

1 **SEC. 2. DNA BACKLOG GRANT PROGRAM IMPROVEMENT.**

2 Section 2 of the DNA Analysis Backlog Elimination
3 Act of 2000 (34 U.S.C. 40701) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (2), by striking “includ-
6 ing” and inserting “prioritizing, to the extent
7 practicable consistent with public safety consid-
8 erations”; and

9 (B) in paragraph (8), by striking “includ-
10 ing” and inserting “in particular,”;

11 (2) in subsection (b)—

12 (A) in paragraph (6), by striking “and” at
13 the end;

14 (B) in paragraph (7), by striking the pe-
15 riod at the end and inserting “; and”; and

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

17 “(8) provide assurances that the DNA section
18 of the laboratory to be used to conduct DNA anal-
19 yses has a written policy that prioritizes the analysis
20 of, to the extent practicable consistent with public
21 safety considerations, samples from homicides and
22 sexual assaults.”;

23 (3) in subsection (c)(3)—

24 (A) in subparagraph (B), by striking
25 “2014 through 2019” and inserting “2019
26 through 2024”; and

1 (B) in subparagraph (C), by striking
 2 “2014 through 2019” and inserting “2019
 3 through 2024”;
 4 (4) in subsection (g)—

5 (A) by redesignating paragraph (1), (2),
 6 and (3) as subparagraphs (A), (B), and (C),
 7 and adjusting the margins accordingly;

8 (B) by striking “Not later” and inserting
 9 the following:

10 “(1) IN GENERAL.—Not later”; and

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

12 “(2) *IMPLEMENTATION OF PROGRAM IMPROVE-*
 13 *MENTS.—Not later than 1 year after the date of en-*
 14 *actment of the Debbie Smith Act of 2019—*

15 “(A) *the Director of the National Institute*
 16 *of Justice shall—*

17 “(i) *define DNA Capacity Enhance-*
 18 *ment and Backlog Reduction program-wide*
 19 *goals in clear, specific, and measurable*
 20 *terms;*

21 “(ii) *consistently document the goals*
 22 *defined under clause (i); and*

23 “(iii) *use performance measures for*
 24 *each goal defined under clause (i) that fully*
 25 *reflect the appropriate attributes of success-*

ful performance measures according to recommendations made by the Government Accountability Office in the report entitled, ‘DNA Evidence: DOJ Should Improve Performance Measurement and Properly Design controls for Nationwide Grant Program’ (GAO-19-216); and

“(B) the Assistant Attorney General for the Office of Justice Programs shall fully establish all appropriate controls relating to conflicts of interest and to lobbying as reported by the Government Accountability Office in the report entitled, ‘DNA Evidence: DOJ Should Improve Performance Measurement and Properly Design controls for Nationwide Grant Program’ (GAO-19-216).

“(2)(3) REPORT ON EFFECTIVENESS OF GRANT PROGRAM.—Not later than 180 days after the date on which the Comptroller General of the United States issues the 2018 report on the DNA Capacity Enhancement and Backlog Reduction Grant Program, or 180 days after the date of enactment of the Debbie Smith Act of 2019, whichever date is later, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate and

1 the Committee on the Judiciary of the House of
2 Representatives that—

3 “(A) describes any action taken by the De-
4 partment of Justice since the release of the
5 2018 report on the DNA Capacity Enhance-
6 ment and Backlog Reduction Grant Program to
7 improve the DNA Capacity Enhancement and
8 Backlog Reduction Grant Program based on
9 the recommendations of the Comptroller Gen-
10 eral; and

11 “(B) includes recommendations for re-
12 forms that could enhance the effectiveness of
13 the program in reducing the backlog of
14 unanalyzed DNA evidence in sexual assault
15 cases.

16 ~~“(3) GAO REPORT.—Not later than 180 days~~
17 ~~after the end of the third fiscal year beginning after~~
18 ~~the date of enactment of this Act, and once every 3~~
19 ~~fiscal years thereafter, the Comptroller General of~~
20 ~~the United States shall issue a report on the DNA~~
21 ~~Capacity Enhancement and Backlog Reduction~~
22 ~~Grant Program describing, by year—~~

23 “(A) the total number of new DNA re-
24 quests;

1 “(B) the total number of cases, items, and
2 offender and arrestee samples analyzed;

3 “(C) the total number of DNA profiles
4 uploaded to the national DNA index;

5 “(D) the total number of matches and in-
6 vestigations aided by matches made by the na-
7 tional DNA index;

8 “(E) changes in total laboratory capacity
9 to conduct DNA analyses as described in sub-
10 section (a)(3);

11 “(F) the number of open DNA cases at
12 the end of each year and open DNA cases older
13 than 30 days at the end of the year;

14 “(G) the number of sexual assault cases
15 submitted to the laboratory during the year and
16 the number of untested sexual assault cases
17 older than 30 days at the end of the year;

18 “(H) whether the National Institute of
19 Justice has defined DNA Capacity Enhance-
20 ment and Backlog Reduction program-wide
21 goals in clear, specific, and measurable terms;
22 and

23 “(I) whether the Office of Justice Pro-
24 grams has fully established all appropriate con-
25 trols related to lobbying.”; and

1 “(4) *GAO REPORT.*—Not later than 180 days
 2 after the end of the third fiscal year beginning after
 3 the date of enactment of the Debbie Smith Act of
 4 2019, and once every 3 fiscal years thereafter through
 5 fiscal year 2025, the Comptroller General of the
 6 United States shall issue a report on the DNA anal-
 7 ysis workloads at laboratories that participate in the
 8 Combined DNA Index System using data available
 9 from the DNA Capacity Enhancement and Backlog
 10 Reduction Grant Program or other sources that—

11 “(A) describes, by year—

12 “(i) the total number of new crime
 13 scene DNA analysis requests submitted to
 14 laboratories;

15 “(ii) the total number of crime scene
 16 DNA analysis requests analyzed including,
 17 to the extent practicable and reported sepa-
 18 rately—

19 “(I) the number analyzed at lab-
 20 oratories participating in Combined
 21 DNA Index System; and

22 “(II) the number of requests
 23 outsourced and analyzed at private
 24 laboratories;

1 “(iii) the total number of DNA profiles
2 from crime scene evidence uploaded to the
3 Combined DNA Index System;

4 “(iv) the total number of Combined
5 DNA Index System hits and investigations
6 aided resulting from DNA profiles recovered
7 from crime scene evidence;

8 “(v) the number of outstanding crime
9 scene DNA analysis requests at the end of
10 each year and the number of such out-
11 standing requests that are older than 30
12 days at the end of the year; and

13 “(vi) to the extent practicable, the
14 number of requests associated with sexual
15 assault cases submitted to laboratories dur-
16 ing the year and the number of such re-
17 quests that are older than 30 days at the
18 end of the year; and

19 “(B) includes a determination as to—

20 “(i) whether the National Institute of
21 Justice has defined DNA Capacity En-
22 hancement and Backlog Reduction pro-
23 gram-wide goals as required under para-
24 graph (2)(A); and

1 “(ii) *whether the Office of Justice Pro-*
2 *grams has fully established all appropriate*
3 *controls relating to conflicts of interest and*
4 *to lobbying as required under paragraph*
5 *(2)(B).”; and*

6 (5) in subsection (j), by striking “2015 through
7 2019” and inserting “2019 through 2024”.

8 **SEC. 3. TRAINING AND EDUCATION.**

9 Section 303(b) of the DNA Sexual Assault Justice
10 Act of 2004 (34 U.S.C. 40722(b)) is amended by striking
11 “2015 through 2019” and inserting “2019 through
12 2024”.

13 **SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.**

14 Section 304(d) of the DNA Sexual Assault Justice
15 Act of 2004 (34 U.S.C. 40723(d)) is amended by striking
16 “2015 through 2019” and inserting “2019 through
17 2024”.

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