

107TH CONGRESS
1ST SESSION

H. R. 2874

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2001

Mrs. MALONEY of New York (for herself, Mr. HORN, Mr. LATOURETTE, Ms. WOOLSEY, and Ms. ESHOO) introduced the following bill; which was 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 State to carry out sexual assault nurse examiner programs
6 and to train law enforcement personnel and first respond-
7 ers in the handling of sexual assault cases and the collec-
8 tion and use of DNA samples for use as forensic evidence.

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 include a certification that the State shall comply with the
15 quality assurance standards for collecting and processing
16 samples issued by the Director of the Federal Bureau of
17 Investigation under section 210303 of the DNA Identifica-
18 tion Act of 1994.

19 (c) RESTRICTIONS ON USE OF FUNDS.—

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

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

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

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

14 (2) such other information as the Attorney
15 General may require.

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

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

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

24 (f) EXPENDITURE RECORDS.—

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

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

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

15 (h) AUTHORIZATION OF APPROPRIATIONS.—
16 Amounts are authorized to be appropriated to the Attorney
17 General for grants under subsection (a)—

18 (1) \$150,000,000 for fiscal year 2002;

19 (2) \$30,000,000 for fiscal year 2003; and

20 (3) \$30,000,000 for fiscal year 2004.

21 **SEC. 3. QUALITY ASSURANCE STANDARDS FOR FORENSIC**

22 **EVIDENCE COLLECTION KITS.**

23 Section 210303 of the Violent Crime Control and
24 Law Enforcement Act of 1994 (42 U.S.C. 14131) is
25 amended—

1 (1) in subsection (a)(1)(C)—

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

5 “(i) testing”;

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

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

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

13 (2) in subsection (a)(2)—

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

17 “(A) testing”;

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

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

22 “(B) collecting and processing, for use as foren-
23 sic evidence, samples on which DNA analysis may be
24 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 five
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 was 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 Violent Crime Control
24 and Law Enforcement Act of 1994 (42 U.S.C.
25 14132(b)(3)).

26 (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
9 from this section for administrative expenses.

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 the 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 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.—

21 Amounts are authorized to be appropriated to the Attorney
22 General for grants under subsection (a)—

23 (1) \$100,000,000 for fiscal year 2002;

24 (2) \$50,000,000 for fiscal year 2003; and

1 (3) \$50,000,000 for fiscal year 2004.

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