

108TH CONGRESS  
1ST SESSION

# S. 1828

To eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2003

Mr. KYL (for himself, Mr. CHAMBLISS, Mr. CRAIG, Mr. NICKLES, Mr. SESSIONS, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Advancing Justice Through DNA Technology Act of  
4 2003”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RAPE KITS AND DNA EVIDENCE BACKLOG  
ELIMINATION ACT OF 2003

Sec. 101. Short title.

Sec. 102. Debbie Smith DNA Backlog Grant Program.

Sec. 103. Expansion of Combined DNA Index System.

Sec. 104. Tolling of statute of limitations.

Sec. 105. Legal assistance for victims of violence.

Sec. 106. Ensuring private laboratory assistance in eliminating DNA backlog.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2003

Sec. 201. Short title.

Sec. 202. Ensuring public crime laboratory compliance with Federal standards.

Sec. 203. DNA training and education for law enforcement, correctional personnel, and court officers.

Sec. 204. Sexual assault forensic exam program grants.

Sec. 205. DNA research and development.

Sec. 206. FBI DNA programs.

Sec. 207. DNA identification of missing persons.

Sec. 208. Enhanced criminal penalties for unauthorized disclosure or use of DNA information.

Sec. 209. Tribal coalition grants.

Sec. 210. Expansion of Paul Coverdell Forensic Science Improvement Grant Program.

Sec. 211. Creation of new Forensic Backlog Elimination Grant Program.

Sec. 212. Report to Congress.

7 **TITLE I—RAPE KITS AND DNA**  
8 **EVIDENCE BACKLOG ELIMI-**  
9 **NATION ACT OF 2003**

10 **SEC. 101. SHORT TITLE.**

11 This title may be cited as the “Rape Kits and DNA  
12 Evidence Backlog Elimination Act of 2003”.

1 **SEC. 102. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.**

2 (a) DESIGNATION OF PROGRAM; ELIGIBILITY OF  
3 LOCAL GOVERNMENTS AS GRANTEEES.—Section 2 of the  
4 DNA Analysis Backlog Elimination Act of 2000 (42  
5 U.S.C. 14135) is amended—

6 (1) by amending the heading to read as follows:

7 **“SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PRO-**  
8 **GRAM.”;**

9 (2) in subsection (a)—

10 (A) in the matter preceding paragraph

11 (1)—

12 (i) by inserting “or units of local gov-  
13 ernment” after “eligible States”; and

14 (ii) by inserting “or unit of local gov-  
15 ernment” after “State”;

16 (B) in paragraph (2), by inserting before  
17 the period at the end the following: “, including  
18 samples from rape kits, samples from other sex-  
19 ual assault evidence, and samples taken in cases  
20 without an identified suspect”; and

21 (C) in paragraph (3), by striking “within  
22 the State”;

23 (3) in subsection (b)—

24 (A) in the matter preceding paragraph

25 (1)—

1 (i) by inserting “or unit of local gov-  
2 ernment” after “State” both places that  
3 term appears; and

4 (ii) by inserting “, as required by the  
5 Attorney General” after “application  
6 shall”;

7 (B) in paragraph (1), by inserting “or unit  
8 of local government” after “State”;

9 (C) in paragraph (3), by inserting “or unit  
10 of local government” after “State” the first  
11 place that term appears;

12 (D) in paragraph (4)—

13 (i) by inserting “or unit of local gov-  
14 ernment” after “State”; and

15 (ii) by striking “and” at the end;

16 (E) in paragraph (5)—

17 (i) by inserting “or unit of local gov-  
18 ernment” after “State”; and

19 (ii) by striking the period at the end  
20 and inserting a semicolon; and

21 (F) by adding at the end the following:

22 “(6) if submitted by a unit of local government,  
23 certify that the unit of local government has taken,  
24 or is taking, all necessary steps to ensure that it is  
25 eligible to include, directly or through a State law

1 enforcement agency, all analyses of samples for  
2 which it has requested funding in the Combined  
3 DNA Index System; and”;

4 (4) in subsection (d)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-  
7 graph (A), by striking “The plan” and in-  
8 serting “A plan pursuant to subsection  
9 (b)(1)”;

10 (ii) in subparagraph (A), by striking  
11 “within the State”; and

12 (iii) in subparagraph (B), by striking  
13 “within the State”; and

14 (B) in paragraph (2)(A), by inserting “and  
15 units of local government” after “States”;

16 (5) in subsection (e)—

17 (A) in paragraph (1), by inserting “or local  
18 government” after “State” both places that  
19 term appears; and

20 (B) in paragraph (2), by inserting “or unit  
21 of local government” after “State”;

22 (6) in subsection (f), in the matter preceding  
23 paragraph (1), by inserting “or unit of local govern-  
24 ment” after “State”;

25 (7) in subsection (g)—

1 (A) in paragraph (1), by inserting “or unit  
2 of local government” after “State”; and

3 (B) in paragraph (2), by inserting “or  
4 units of local government” after “States”; and

5 (8) in subsection (h), by inserting “or unit of  
6 local government” after “State” both places that  
7 term appears.

8 (b) REAUTHORIZATION AND EXPANSION OF PRO-  
9 GRAM.—Section 2 of the DNA Analysis Backlog Elimination  
10 Act of 2000 (42 U.S.C. 14135) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (3), by inserting “(1) or”  
13 before “(2)”; and

14 (B) by inserting at the end the following:

15 “(4) To collect DNA samples specified in para-  
16 graph (1).

17 “(5) To ensure that DNA testing and analysis  
18 of samples from crimes, including sexual assault and  
19 other serious violent crimes, are carried out in a  
20 timely manner.”;

21 (2) in subsection (b), as amended by this sec-  
22 tion, by inserting at the end the following:

23 “(7) specify that portion of grant amounts that  
24 the State or unit of local government shall use for  
25 the purpose specified in subsection (a)(4).”;

1           (3) by amending subsection (c) to read as fol-  
 2       lows:

3       “(c) FORMULA FOR DISTRIBUTION OF GRANTS.—

4           “(1) IN GENERAL.—The Attorney General shall  
 5       distribute grant amounts, and establish appropriate  
 6       grant conditions under this section, in conformity  
 7       with a formula or formulas that are designed to ef-  
 8       fectuate a distribution of funds among eligible  
 9       States and units of local government that—

10           “(A) maximizes the effective utilization of  
 11       DNA technology to solve crimes and protect  
 12       public safety; and

13           “(B) allocates grants among eligible enti-  
 14       ties fairly and efficiently to address areas where  
 15       significant backlogs exist, by considering—

16           “(i) the number of offender and case-  
 17       work samples awaiting DNA analysis in a  
 18       jurisdiction;

19           “(ii) the population in the jurisdiction;  
 20       and

21           “(iii) the number of part I violent  
 22       crimes in the jurisdiction.

23       “(2) MINIMUM AMOUNT.—The Attorney Gen-  
 24       eral shall allocate to each State not less than 0.50  
 25       percent of the total amount appropriated in a fiscal

1 year for grants under this section, except that the  
2 United States Virgin Islands, American Samoa,  
3 Guam, and the Northern Mariana Islands shall each  
4 be allocated 0.125 percent of the total appropriation.

5 “(3) LIMITATION.—Grant amounts distributed  
6 under paragraph (1) shall be awarded to conduct  
7 DNA analyses of samples from casework or from  
8 victims of crime under subsection (a)(2) in accord-  
9 ance with the following limitations:

10 “(A) For fiscal year 2004, not less than 50  
11 percent of the grant amounts shall be awarded  
12 for purposes under subsection (a)(2).

13 “(B) For fiscal year 2005 not less than 50  
14 percent of the grant amounts shall be awarded  
15 for purposes under subsection (a)(2).

16 “(C) For fiscal year 2006, not less than 45  
17 percent of the grant amounts shall be awarded  
18 for purposes under subsection (a)(2).

19 “(D) For fiscal year 2007, not less than  
20 40 percent of the grant amounts shall be  
21 awarded for purposes under subsection (a)(2).

22 “(E) For fiscal year 2008, not less than 40  
23 percent of the grant amounts shall be awarded  
24 for purposes under subsection (a)(2).”;

25 (4) in subsection (g)—



1 (A) in paragraph (1), by striking “and” at  
2 the end;

3 (B) in paragraph (2), by striking the pe-  
4 riod at the end and inserting “; and”; and

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

6 “(3) a description of the priorities and plan for  
7 awarding grants among eligible States and units of  
8 local government, and how such plan will ensure the  
9 effective use of DNA technology to solve crimes and  
10 protect public safety.”;

11 (5) in subsection (j), by striking paragraphs (1)  
12 and (2) and inserting the following:

13 “(1) \$151,000,000 for fiscal year 2004;

14 “(2) \$151,000,000 for fiscal year 2005;

15 “(3) \$151,000,000 for fiscal year 2006;

16 “(4) \$151,000,000 for fiscal year 2007; and

17 “(5) \$151,000,000 for fiscal year 2008.”; and

18 (6) by adding at the end the following:

19 “(k) USE OF FUNDS FOR ACCREDITATION AND AU-  
20 DITS.—The Attorney General may distribute not more  
21 than 1 percent of the grant amounts under subsection  
22 (j)—

23 “(1) to States or units of local government to  
24 defray the costs incurred by laboratories operated by

1 each such State or unit of local government in pre-  
2 paring for accreditation or reaccreditation;

3 “(2) in the form of additional grants to States,  
4 units of local government, or nonprofit professional  
5 organizations of persons actively involved in forensic  
6 science and nationally recognized within the forensic  
7 science community—

8 “(A) to defray the costs of external audits  
9 of laboratories operated by such State or unit  
10 of local government, which are participating in  
11 the National DNA Index System in order to en-  
12 sure compliance with quality assurance stand-  
13 ards;

14 “(B) to assess compliance with any plans  
15 submitted to the National Institute of Justice,  
16 which detail the use of funds received by States  
17 or units of local government under this Act;  
18 and

19 “(C) to support future capacity building  
20 efforts; and

21 “(3) in the form of additional grants to non-  
22 profit professional associations actively involved in  
23 forensic science and nationally recognized within the  
24 forensic science community to defray the costs of  
25 training persons who conduct external audits of lab-

1        oratories operated by States and units of local gov-  
 2        ernment and which participate in the National DNA  
 3        Index System.

4        “(l) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—  
 5        In the event that a laboratory operated by a State or unit  
 6        of local government which has received funds under this  
 7        Act, has undergone an external audit conducted in order  
 8        to demonstrate compliance with standards established by  
 9        the Director of the Federal Bureau of Investigation, and,  
 10       as a result of such audit, identifies measures to remedy  
 11       deficiencies with respect to the compliance by the labora-  
 12       tory with such standards, the State or unit of local govern-  
 13       ment shall implement any such remediation as soon as  
 14       practicable.”.

15       **SEC. 103. EXPANSION OF COMBINED DNA INDEX SYSTEM.**

16       (a) INCLUSION OF ALL DNA SAMPLES FROM  
 17       STATES.—Section 210304 of the DNA Identification Act  
 18       of 1994 (42 U.S.C. 14132) is amended—

19                (1) in subsection (a)(1), by striking “of persons  
 20       convicted of crimes;” and inserting the following:  
 21       “of—

22                        “(A) persons convicted of crimes; and

23                        “(B) other persons whose DNA samples  
 24       are collected under applicable legal authori-  
 25       ties;”; and

1 (2) by striking subsection (d).

2 (b) FELONS CONVICTED OF FEDERAL CRIMES.—

3 Section 3(d) of the DNA Analysis Backlog Elimination

4 Act of 2000 (42 U.S.C. 14135a(d)) is amended to read

5 as follows:

6 “(d) QUALIFYING FEDERAL OFFENSES.—The of-

7 fenses that shall be treated for purposes of this section

8 as qualifying Federal offenses are the following offenses,

9 as determined by the Attorney General:

10 “(1) Any felony.

11 “(2) Any offense under chapter 109A of title

12 18, United States Code.

13 “(3) Any crime of violence (as that term is de-

14 fined in section 16 of title 18, United States Code).

15 “(4) Any attempt or conspiracy to commit any

16 of the offenses in paragraphs (1) through (3).”.

17 (c) MILITARY OFFENSES.—Section 1565 of title 10,

18 United States Code, is amended—

19 (1) by amending subsection (d) to read as fol-

20 lows:

21 “(d) QUALIFYING MILITARY OFFENSES.—The of-

22 fenses that shall be treated for purposes of this section

23 as qualifying military offenses are the following offenses,

24 as determined by the Secretary of Defense, in consultation

25 with the Attorney General:

1           “(1) Any offense under the Uniform Code of  
2       Military Justice for which a sentence of confinement  
3       for more than one year may be imposed.

4           “(2) Any other offense under the Uniform Code  
5       of Military Justice that is comparable to a qualifying  
6       Federal offense (as determined under section 3(d) of  
7       the DNA Analysis Backlog Elimination Act of 2000  
8       (42 U.S.C. 14135a(d)).”;

9           (2) by striking subsection (e); and

10          (3) by redesignating subsection (f) as sub-  
11       section (e).

12       (d) COLLECTION OF DNA IDENTIFICATION INFOR-  
13       MATION FROM PERSONS ARRESTED FOR QUALIFYING  
14       FEDERAL OFFENSES.—

15           (1) IN GENERAL.—Section 3 of the DNA Anal-  
16       ysis Backlog Elimination Act of 2000 (42 U.S.C.  
17       14135a) is amended—

18           (A) in subsection (a)—

19           (i) in paragraph (1), by striking “The  
20       Director”, and inserting the following:

21           “(A) The Attorney General shall collect a  
22       DNA sample from each individual who is ar-  
23       rested for, or accused by information or indict-  
24       ment of, a qualifying Federal offense (as deter-  
25       mined under subsection (d)). The Attorney

1 General may delegate this function within the  
2 Department of Justice as provided in section  
3 510 of title 28, United States Code, and may  
4 also authorize and direct any other agency that  
5 makes arrests for such offenses or supervises  
6 persons facing charges of such offenses to carry  
7 out any function and exercise any power of the  
8 Attorney General under this section.

9 “(B) The Director”; and

10 (ii) in paragraphs (3) and (4), by  
11 striking “Director of the Bureau of Pris-  
12 ons” each place it appears and inserting  
13 “Attorney General, the Director of the Bu-  
14 reau of Prisons,”; and

15 (B) in subsection (b), by striking “Director  
16 of the Bureau of Prisons” and inserting “Attor-  
17 ney General, the Director of the Bureau of  
18 Prisons,”.

19 (2) CONDITIONS OF RELEASE.—

20 (A) SECTION 3142 AMENDMENTS.—Sub-  
21 sections (b) and (c)(1)(A) of section 3142 of  
22 title 18, United States Code, are each amended  
23 by inserting “and subject to the condition that  
24 the person cooperate in the collection of a DNA  
25 sample from the person if the collection of such

1 a sample is authorized pursuant to section 3 of  
 2 the DNA Analysis Backlog Elimination Act of  
 3 2000 (42 U.S.C. 14135a)” after “period of re-  
 4 lease”.

5 (B) BACKLOG ELIMINATION ACT AMEND-  
 6 MENT.—Section 7(d) of the DNA Analysis  
 7 Backlog Elimination Act of 2000 (42 U.S.C.  
 8 14135c) is amended by inserting “, or on re-  
 9 lease under chapter 207 of title 18, United  
 10 States Code,” before “is authorized”.

11 **SEC. 104. TOLLING OF STATUTE OF LIMITATIONS.**

12 (a) IN GENERAL.—Chapter 213 of title 18, United  
 13 States Code, is amended by adding at the end the fol-  
 14 lowing:

15 **“§ 3297. Cases involving DNA evidence**

16 “In a case in which DNA testing implicates a person  
 17 in the commission of a felony, no statute of limitations  
 18 that would otherwise preclude prosecution of the offense  
 19 shall preclude such prosecution until a period of time fol-  
 20 lowing the implication of the person by DNA testing has  
 21 elapsed that is equal to the otherwise applicable limitation  
 22 period.”.

23 (b) CLERICAL AMENDMENT.—The table of sections  
 24 for chapter 213 of title 18, United States Code, is amend-  
 25 ed by adding at the end the following:

“3297. Cases involving DNA evidence.”.

1       (c) APPLICATION.—The amendments made by this  
 2 section shall apply to the prosecution of any offense com-  
 3 mitted before, on, or after the date of the enactment of  
 4 this section to the full extent permitted by the Constitu-  
 5 tion.

6 **SEC. 105. LEGAL ASSISTANCE FOR VICTIMS OF VIOLENCE.**

7       Section 1201 of the Violence Against Women Act of  
 8 2000 (42 U.S.C. 3796gg–6) is amended—

9           (1) in subsection (a), by inserting “dating vio-  
 10 lence,” after “domestic violence,”;

11           (2) in subsection (b)—

12               (A) by redesignating paragraphs (1)  
 13 through (3) as paragraphs (2) through (4), re-  
 14 spectively;

15               (B) by inserting before paragraph (2), as  
 16 redesignated by subparagraph (A), the fol-  
 17 lowing:

18           “(1) DATING VIOLENCE.—The term ‘dating vio-  
 19 lence’ means violence committed by a person who is  
 20 or has been in a social relationship of a romantic or  
 21 intimate nature with the victim. The existence of  
 22 such a relationship shall be determined based on a  
 23 consideration of—

24               “(A) the length of the relationship;

25               “(B) the type of relationship; and



1           “(C) the frequency of interaction between  
2           the persons involved in the relationship.”; and

3           (C) in paragraph (3), as redesignated by  
4           subparagraph (A), by inserting “dating vio-  
5           lence,” after “domestic violence,”;

6           (3) in subsection (c)—

7           (A) in paragraph (1)—

8           (i) by inserting “, dating violence,”  
9           after “between domestic violence”; and

10          (ii) by inserting “dating violence,”  
11          after “victims of domestic violence,”;

12          (B) in paragraph (2), by inserting “dating  
13          violence,” after “domestic violence,”; and

14          (C) in paragraph (3), by inserting “dating  
15          violence,” after “domestic violence,”;

16          (4) in subsection (d)—

17          (A) in paragraph (1), by inserting “, dat-  
18          ing violence,” after “domestic violence”;

19          (B) in paragraph (2), by inserting “, dat-  
20          ing violence,” after “domestic violence”;

21          (C) in paragraph (3), by inserting “, dat-  
22          ing violence,” after “domestic violence”; and

23          (D) in paragraph (4), by inserting “dating  
24          violence,” after “domestic violence,”;

1 (5) in subsection (e), by inserting “dating vio-  
2 lence,” after “domestic violence,”; and

3 (6) in subsection (f)(2)(A), by inserting “dating  
4 violence,” after “domestic violence,”.

5 **SEC. 106. ENSURING PRIVATE LABORATORY ASSISTANCE IN**  
6 **ELIMINATING DNA BACKLOG.**

7 Section 2(d)(3) of the DNA Analysis Backlog Elimini-  
8 nation Act of 2000 (42 U.S.C. 14135(d)(3)) is amended  
9 to read as follows:

10 “(3) USE OF VOUCHERS OR CONTRACTS FOR  
11 CERTAIN PURPOSES.—

12 “(A) IN GENERAL.—A grant for the pur-  
13 poses specified in paragraph (1), (2), or (5) of  
14 subsection (a) may be made in the form of a  
15 voucher or contract for laboratory services, even  
16 if the laboratory makes a reasonable profit for  
17 the services.

18 “(B) REDEMPTION.—A voucher or con-  
19 tract under subparagraph (A) may be redeemed  
20 at a laboratory operated on a non-profit or for-  
21 profit basis by a private entity that satisfies  
22 quality assurance standards and has been ap-  
23 proved by the Attorney General.

24 “(C) PAYMENTS.—The Attorney General  
25 may use amounts authorized under subsection

1 (j) to make payments to a laboratory described  
2 under subparagraph (B).”.

3 **TITLE II—DNA SEXUAL ASSAULT**  
4 **JUSTICE ACT OF 2003**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “DNA Sexual Assault  
7 Justice Act of 2003”.

8 **SEC. 202. ENSURING PUBLIC CRIME LABORATORY COMPLI-**  
9 **ANCE WITH FEDERAL STANDARDS.**

10 Section 210304(b)(2) of the DNA Identification Act  
11 of 1994 (42 U.S.C. 14132(b)(2)), is amended to read as  
12 follows:

13 “(2) prepared by laboratories that—

14 “(A) not later than 2 years after the date  
15 of enactment of the DNA Sexual Assault Jus-  
16 tice Act of 2003, have been accredited by a  
17 nonprofit professional association of persons ac-  
18 tively involved in forensic science that is nation-  
19 ally recognized within the forensic science com-  
20 munity; and

21 “(B) undergo external audits, not less than  
22 once every 2 years, that demonstrate compli-  
23 ance with standards established by the Director  
24 of the Federal Bureau of Investigation; and”.

1 **SEC. 203. DNA TRAINING AND EDUCATION FOR LAW EN-**  
2 **FORCEMENT, CORRECTIONAL PERSONNEL,**  
3 **AND COURT OFFICERS.**

4 (a) IN GENERAL.—The Attorney General shall make  
5 grants to provide training, technical assistance, education,  
6 and information relating to the identification, collection,  
7 preservation, analysis, and use of DNA samples and DNA  
8 evidence by—

9 (1) law enforcement personnel, including police  
10 officers and other first responders, evidence techni-  
11 cians, investigators, and others who collect or exam-  
12 ine evidence of crime;

13 (2) court officers, including State and local  
14 prosecutors, defense lawyers, and judges;

15 (3) forensic science professionals; and

16 (4) corrections personnel, including prison and  
17 jail personnel, and probation, parole, and other offi-  
18 cers involved in supervision.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated \$12,500,000 for each  
21 of the fiscal years 2004 through 2008 to carry out this  
22 section.

23 **SEC. 204. SEXUAL ASSAULT FORENSIC EXAM PROGRAM**  
24 **GRANTS.**

25 (a) IN GENERAL.—The Attorney General shall make  
26 grants to eligible entities to provide training, technical as-

1 sistance, education, equipment, and information relating  
 2 to the identification, collection, preservation, analysis, and  
 3 use of DNA samples and DNA evidence by medical per-  
 4 sonnel and other personnel, including doctors, medical ex-  
 5 aminers, coroners, nurses, victim service providers, and  
 6 other professionals involved in treating victims of sexual  
 7 assault and sexual assault examination programs, includ-  
 8 ing SANE (Sexual Assault Nurse Examiner), SAFE (Sex-  
 9 ual Assault Forensic Examiner), and SART (Sexual As-  
 10 sault Response Team).

11 (b) ELIGIBLE ENTITY.—For purposes of this section,  
 12 the term “eligible entity” includes—

13 (1) States;

14 (2) units of local government; and

15 (3) sexual assault examination programs, in-  
 16 cluding—

17 (A) sexual assault nurse examiner (SANE)  
 18 programs;

19 (B) sexual assault forensic examiner  
 20 (SAFE) programs;

21 (C) sexual assault response team (SART)  
 22 programs; and

23 (D) State sexual assault coalitions.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 25 are authorized to be appropriated \$30,000,000 for each

1 of the fiscal years 2004 through 2008 to carry out this  
2 section.

3 **SEC. 205. DNA RESEARCH AND DEVELOPMENT.**

4 (a) IMPROVING DNA TECHNOLOGY.—The Attorney  
5 General shall make grants for research and development  
6 to improve forensic DNA technology, including increasing  
7 the identification accuracy and efficiency of DNA analysis,  
8 decreasing time and expense, and increasing portability.

9 (b) DEMONSTRATION PROJECTS.—The Attorney  
10 General shall conduct research through grants for dem-  
11 onstration projects involving coordinated training and  
12 commitment of resources to law enforcement agencies and  
13 key criminal justice participants to demonstrate and  
14 evaluate the use of forensic DNA technology in conjunc-  
15 tion with other forensic tools. The demonstration projects  
16 shall include scientific evaluation of the public safety bene-  
17 fits, improvements to law enforcement operations, and  
18 cost-effectiveness of increased collection and use of DNA  
19 evidence.

20 (c) NATIONAL FORENSIC SCIENCE COMMISSION.—

21 (1) APPOINTMENT.—The Attorney General  
22 shall appoint a National Forensic Science Commis-  
23 sion (in this section referred to as the “Commis-  
24 sion”), composed of persons experienced in criminal  
25 justice issues, including persons from the forensic

1 science and criminal justice communities, to carry  
2 out the responsibilities under paragraph (2).

3 (2) RESPONSIBILITIES.—The Commission  
4 shall—

5 (A) assess the present and future resource  
6 needs of the forensic science community;

7 (B) make recommendations to the Attor-  
8 ney General for maximizing the use of forensic  
9 technologies and techniques to solve crimes and  
10 protect the public;

11 (C) identify potential scientific advances  
12 that may assist law enforcement in using foren-  
13 sic technologies and techniques to protect the  
14 public;

15 (D) make recommendations to the Attor-  
16 ney General for programs that will increase the  
17 number of qualified forensic scientists available  
18 to work in public crime laboratories;

19 (E) disseminate, through the National In-  
20 stitute of Justice, best practices concerning the  
21 collection and analyses of forensic evidence to  
22 help ensure quality and consistency in the use  
23 of forensic technologies and techniques to solve  
24 crimes and protect the public;

1 (F) examine additional issues pertaining to  
2 forensic science as requested by the Attorney  
3 General;

4 (G) examine Federal, State, and local pri-  
5 vacy protection statutes, regulations, and prac-  
6 tices relating to access to, or use of, stored  
7 DNA samples or DNA analyses, to determine  
8 whether such protections are sufficient;

9 (H) make specific recommendations to the  
10 Attorney General, as necessary, to enhance the  
11 protections described in subparagraph (G) to  
12 ensure—

13 (i) the appropriate use and dissemina-  
14 tion of DNA information;

15 (ii) the accuracy, security, and con-  
16 fidentiality of DNA information;

17 (iii) the timely removal and destruc-  
18 tion of obsolete, expunged, or inaccurate  
19 DNA information; and

20 (iv) that any other necessary meas-  
21 ures are taken to protect privacy; and

22 (I) provide a forum for the exchange and  
23 dissemination of ideas and information in fur-  
24 therance of the objectives described in subpara-  
25 graphs (A) through (H).



1           (3) PERSONNEL; PROCEDURES.—The Attorney  
2       General shall—

3           (A) designate the Chair of the Commission  
4       from among its members;

5           (B) designate any necessary staff to assist  
6       in carrying out the functions of the Commis-  
7       sion; and

8           (C) establish procedures and guidelines for  
9       the operations of the Commission.

10       (d) AUTHORIZATION OF APPROPRIATIONS.—There  
11   are authorized to be appropriated \$15,000,000 for each  
12   of the fiscal years 2004 through 2008 to carry out this  
13   section.

14   **SEC. 206. FBI DNA PROGRAMS.**

15       (a) AUTHORIZATION OF APPROPRIATIONS.—There  
16   are authorized to be appropriated to the Federal Bureau  
17   of Investigation \$42,100,000 for each of the fiscal years  
18   2004 through 2008 to carry out the DNA programs and  
19   activities described under subsection (b).

20       (b) PROGRAMS AND ACTIVITIES.—The Federal Bu-  
21   reau of Investigation may use any amounts appropriated  
22   pursuant to subsection (a) for—

23           (1) nuclear DNA analysis;

24           (2) mitochondrial DNA analysis;

25           (3) regional mitochondrial DNA laboratories;

- 1 (4) the Combined DNA Index System;
- 2 (5) the Federal Convicted Offender DNA Pro-
- 3 gram; and
- 4 (6) DNA research and development.

5 **SEC. 207. DNA IDENTIFICATION OF MISSING PERSONS.**

6 (a) IN GENERAL.—The Attorney General shall make  
7 grants to promote the use of forensic DNA technology to  
8 identify missing persons and unidentified human remains.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated \$2,000,000 for each of  
11 the fiscal years 2004 through 2008 to carry out this sec-  
12 tion.

13 **SEC. 208. ENHANCED CRIMINAL PENALTIES FOR UNAU-**  
14 **THORIZED DISCLOSURE OR USE OF DNA IN-**  
15 **FORMATION.**

16 Section 10(c) of the DNA Analysis Backlog Elimini-  
17 nation Act of 2000 (42 U.S.C. 14135e(c)) is amended to  
18 read as follows:

19 “(c) CRIMINAL PENALTY.—A person who knowingly  
20 discloses a sample or result described in subsection (a) in  
21 any manner to any person not authorized to receive it,  
22 or obtains or uses, without authorization, such sample or  
23 result, shall be fined not more than \$100,000. Each in-  
24 stance of disclosure, obtaining, or use shall constitute a  
25 separate offense under this subsection.”.

1 **SEC. 209. TRIBAL COALITION GRANTS.**

2 Section 2001 of title I of the Omnibus Crime Control  
3 and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is  
4 amended by adding at the end the following:

5 “(d) TRIBAL COALITION GRANTS.—

6 “(1) PURPOSE.—The Attorney General shall  
7 award grants to tribal domestic violence and sexual  
8 assault coalitions for purposes of—

9 “(A) increasing awareness of domestic vio-  
10 lence and sexual assault against Indian women;

11 “(B) enhancing the response to violence  
12 against Indian women at the tribal, Federal,  
13 and State levels; and

14 “(C) identifying and providing technical  
15 assistance to coalition membership and tribal  
16 communities to enhance access to essential serv-  
17 ices to Indian women victimized by domestic  
18 and sexual violence.

19 “(2) GRANTS TO TRIBAL COALITIONS.—The At-  
20 torney General shall award grants under paragraph  
21 (1) to—

22 “(A) established nonprofit, nongovern-  
23 mental tribal coalitions addressing domestic vio-  
24 lence and sexual assault against Indian women;  
25 and

1           “(B) individuals or organizations that pro-  
 2           pose to incorporate as nonprofit, nongovern-  
 3           mental tribal coalitions to address domestic vio-  
 4           lence and sexual assault against Indian women.

5           “(3) ELIGIBILITY FOR OTHER GRANTS.—Re-  
 6           ceipt of an award under this subsection by tribal do-  
 7           mestic violence and sexual assault coalitions shall  
 8           not preclude the coalition from receiving additional  
 9           grants under this title to carry out the purposes de-  
 10          scribed in subsection (b).”.

11 **SEC. 210. EXPANSION OF PAUL COVERDELL FORENSIC**  
 12 **SCIENCES IMPROVEMENT GRANT PROGRAM.**

13          (a) FORENSIC BACKLOG ELIMINATION GRANTS.—  
 14          Section 2804 of the Omnibus Crime Control and Safe  
 15          Streets Act of 1968 (42 U.S.C. 3797m) is amended—

16               (1) in subsection (a)—

17                       (A) by striking “shall use the grant to  
 18                       carry out” and inserting “shall use the grant  
 19                       to—

20                       “(1) carry out”;

21                       (B) by striking the period at the end and  
 22                       inserting a semicolon; and

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

24                       “(2) eliminate a backlog in the analysis of fo-  
 25                       rensic science evidence, including firearms examina-

1       tion, latent prints, toxicology, controlled substances,  
 2       forensic pathology, questionable documents, and  
 3       trace evidence; and

4               “(3) train, assist, and employ forensic labora-  
 5       tory personnel, as needed, to eliminate a forensic  
 6       evidence backlog.”;

7               (2) in subsection (b), by striking “under this  
 8       part” and inserting “for the purpose set forth in  
 9       subsection (a)(1)”;

10              (3) by adding at the end the following:

11       “(e) DEFINED TERM.—As used in this section, the  
 12       term ‘forensic evidence backlog’ means forensic evidence  
 13       that—

14              “(1) has been stored in a laboratory, medical  
 15       examiner’s office, or coroner’s office; and

16              “(2) has not been subjected to all appropriate  
 17       forensic testing because of a lack of resources or  
 18       personnel.”.

19       (b) EXTERNAL AUDITS.—Section 2802 of the Omni-  
 20       bus Crime Control and Safe Streets Act of 1968 (42  
 21       U.S.C. 3797k) is amended—

22              (1) in paragraph (2), by striking the “and” at  
 23       the end;

24              (2) in paragraph (3), by striking the period at  
 25       the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(4) a certification that a government entity ex-  
 3 ists and an appropriate process is in place to con-  
 4 duct independent external investigations into allega-  
 5 tions of serious negligence or misconduct substan-  
 6 tially affecting the integrity of the forensic results  
 7 committed by employees or contractors of any foren-  
 8 sic laboratory system, medical examiner’s office, or  
 9 coroner’s office in the State that will receive a por-  
 10 tion of the grant amount.”.

11 (c) THREE-YEAR EXTENSION OF AUTHORIZATION OF  
 12 APPROPRIATIONS.—Section 1001(a) of the Omnibus  
 13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 14 3793(a)) is amended by striking paragraph (24) and in-  
 15 serting the following:

16 “(24) There are authorized to be appropriated  
 17 to carry out part BB of this Act, to remain available  
 18 until expended—

19 “(A) \$35,000,000 for fiscal year 2004;

20 “(B) \$85,400,000 for fiscal year 2005;

21 “(C) \$134,733,000 for fiscal year 2006;

22 “(D) \$128,067,000 for fiscal year 2007;

23 “(E) \$56,733,000 for fiscal year 2008; and

24 “(F) \$42,067,000 for fiscal year 2009.”.

1 **SEC. 211. CREATION OF NEW FORENSIC BACKLOG ELIMI-**  
2 **NATION GRANT PROGRAM.**

3 (a) GRANTS AUTHORIZED.—The Attorney General is  
4 authorized to award grants to States, units of local gov-  
5 ernment, and tribal governments to eliminate forensic  
6 science backlogs.

7 (b) PURPOSE.—The purpose of the grant program es-  
8 tablished under this section is to—

9 (1) eliminate the backlog in the analysis of any  
10 area of forensic science evidence, including firearms  
11 examination, latent prints, toxicology, controlled sub-  
12 stances, forensic pathology, questionable documents,  
13 and trace evidence; and

14 (2) train, assist, and employ forensic laboratory  
15 personnel as needed to eliminate a forensic evidence  
16 backlog.

17 (c) USE OF FUNDS.—

18 (1) SUPPLANTING PROHIBITED.—Grant funds  
19 made available to applicants under this section shall  
20 be used to supplement and not supplant other Fed-  
21 eral or State funds.

22 (2) ADMINISTRATIVE COSTS.—An applicant  
23 may use not more than 5 percent of the funds re-  
24 ceived through grants awarded under this section for  
25 administrative costs.

26 (d) APPLICATION.—

1           (1) IN GENERAL.—A State, local government,  
2           or tribal government desiring a grant under this sec-  
3           tion, shall submit to the Attorney General an appli-  
4           cation in such form and containing such information  
5           as the Attorney General may require.

6           (2) ASSURANCES AND CERTIFICATION.—The  
7           application submitted under paragraph (1) shall—

8                   (A) provide assurances that the applicant  
9                   has implemented, or will implement not later  
10                  than 120 days after the submission date of  
11                  such application, a comprehensive plan for the  
12                  expeditious analysis of the forensic evidence  
13                  currently backlogged; and

14                  (B) certify that the forensic science labora-  
15                  tory—

16                          (i) employs generally accepted prac-  
17                          tices and procedures; and

18                          (ii) is accredited by the Laboratory  
19                          Accreditation Board of the American Soci-  
20                          ety of Crime Laboratory Directors or the  
21                          National Association of Medical Examiners  
22                          or any other nonprofit professional organi-  
23                          zation that may be recognized within the  
24                          forensic science community as competent  
25                          to award such accreditation.



1 (e) DEFINED TERM.—As used in this section, the  
 2 term “forensic evidence backlog” means—

3 (1) particular forensic evidence has been admit-  
 4 ted to the laboratory faster than it can be analyzed;  
 5 or

6 (2) pertinent testing has been curtailed or not  
 7 performed due to lack of resources.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
 9 are authorized to be appropriated to the Attorney General  
 10 \$20,000,000 for each of the fiscal years 2005 through  
 11 2009 for grants under this section.

12 **SEC. 212. REPORT TO CONGRESS.**

13 (a) IN GENERAL.—Not later than 2 years after the  
 14 date of enactment of this Act, the Attorney General shall  
 15 submit to Congress a report on the implementation of this  
 16 Act.

17 (b) CONTENTS.—The report submitted under sub-  
 18 section (a) shall include a description of—

19 (1) the progress made by Federal, State, and  
 20 local entities in—

21 (A) collecting and entering DNA samples  
 22 from offenders convicted of qualifying offenses  
 23 for inclusion in the Combined DNA Index Sys-  
 24 tem (referred to in this subsection as  
 25 “CODIS”);

1           (B) analyzing samples from crime scenes,  
2           including evidence collected from sexual as-  
3           saults and other serious violent crimes, and en-  
4           tering such DNA analyses in CODIS; and

5           (C) increasing the capacity of forensic lab-  
6           oratories to conduct DNA analyses;

7           (2) the priorities and plan for awarding grants  
8           among eligible States and units of local government  
9           to ensure that the purposes of this Act are carried  
10          out;

11          (3) the distribution of grant amounts under this  
12          Act among eligible States and local governments,  
13          and whether the distribution of such funds has  
14          served the purposes of the Debbie Smith DNA  
15          Backlog Grant Program;

16          (4) grants awarded and the use of such grants  
17          by eligible entities for DNA training and education  
18          programs for law enforcement, correctional per-  
19          sonnel, court officers, medical personnel, victim serv-  
20          ice providers, and other personnel authorized under  
21          sections 203 and 204;

22          (5) grants awarded and the use of such grants  
23          by eligible entities to conduct DNA research and de-  
24          velopment programs to improve forensic DNA tech-

1 nology, and implement demonstration projects under  
2 section 205;

3 (6) the steps taken to establish the National  
4 Forensic Science Commission, and the activities of  
5 the Commission under section 205(c);

6 (7) the use of funds by the Federal Bureau of  
7 Investigation under section 206;

8 (8) grants awarded and the use of such grants  
9 by eligible entities to promote the use of forensic  
10 DNA technology to identify missing persons and un-  
11 identified human remains under section 207;

12 (9) grants awarded and the use of such grants  
13 by eligible entities to eliminate forensic science back-  
14 logs under sections 210 and 211; and

15 (10) any other matters considered relevant by  
16 the Attorney General.

○