

116TH CONGRESS
1ST SESSION

S. 820

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2019

Referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Debbie Smith Act of
3 2019”.

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

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

7 (1) in subsection (a)—

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

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

14 (2) in subsection (b)—

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

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

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

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

26 (3) in subsection (c)(3)—

1 (A) in subparagraph (B), by striking
2 “2014 through 2019” and inserting “2019
3 through 2024”; and

4 (B) in subparagraph (C), by striking
5 “2014 through 2019” and inserting “2019
6 through 2024”;

7 (4) in subsection (g)—

8 (A) by redesignating paragraph (1), (2),
9 and (3) as subparagraphs (A), (B), and (C),
10 and adjusting the margins accordingly;

11 (B) by striking “Not later” and inserting
12 the following:

13 “(1) IN GENERAL.—Not later”; and

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

15 “(2) IMPLEMENTATION OF PROGRAM IMPROVE-
16 MENTS.—Not later than 1 year after the date of en-
17 actment of the Debbie Smith Act of 2019—

18 “(A) the Director of the National Institute
19 of Justice shall—

20 “(i) define DNA Capacity Enhance-
21 ment and Backlog Reduction program-wide
22 goals in clear, specific, and measurable
23 terms;

24 “(ii) consistently document the goals
25 defined under clause (i); and

1 “(iii) use performance measures for
2 each goal defined under clause (i) that
3 fully reflect the appropriate attributes of
4 successful performance measures according
5 to recommendations made by the Govern-
6 ment Accountability Office in the report
7 entitled, ‘DNA Evidence: DOJ Should Im-
8 prove Performance Measurement and
9 Properly Design controls for Nationwide
10 Grant Program’ (GAO–19–216); and

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

20 “(3) REPORT ON EFFECTIVENESS OF GRANT
21 PROGRAM.—Not later than 180 days after the date
22 on which the Comptroller General of the United
23 States issues the 2018 report on the DNA Capacity
24 Enhancement and Backlog Reduction Grant Pro-
25 gram, or 180 days after the date of enactment of

1 the Debbie Smith Act of 2019, whichever date is
2 later, the Attorney General shall submit a report to
3 the Committee on the Judiciary of the Senate and
4 the Committee on the Judiciary of the House of
5 Representatives that—

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

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

19 “(4) GAO REPORT.—Not later than 180 days
20 after the end of the third fiscal year beginning after
21 the date of enactment of the Debbie Smith Act of
22 2019, and once every 3 fiscal years thereafter
23 through fiscal year 2025, the Comptroller General of
24 the United States shall issue a report on the DNA
25 analysis workloads at laboratories that participate in

1 the Combined DNA Index System using data avail-
2 able from the DNA Capacity Enhancement and
3 Backlog Reduction Grant Program or other sources
4 that—

5 “(A) describes, by year—

6 “(i) the total number of new crime
7 scene DNA analysis requests submitted to
8 laboratories;

9 “(ii) the total number of crime scene
10 DNA analysis requests analyzed including,
11 to the extent practicable and reported sep-
12 arately—

13 “(I) the number analyzed at lab-
14 oratories participating in Combined
15 DNA Index System; and

16 “(II) the number of requests
17 outsourced and analyzed at private
18 laboratories;

19 “(iii) the total number of DNA pro-
20 files from crime scene evidence uploaded to
21 the Combined DNA Index System;

22 “(iv) the total number of Combined
23 DNA Index System hits and investigations
24 aided resulting from DNA profiles recov-
25 ered from crime scene evidence;

1 “(v) the number of outstanding crime
2 scene DNA analysis requests at the end of
3 each year and the number of such out-
4 standing requests that are older than 30
5 days at the end of the year; and

6 “(vi) to the extent practicable, the
7 number of requests associated with sexual
8 assault cases submitted to laboratories
9 during the year and the number of such
10 requests that are older than 30 days at the
11 end of the year; and

12 “(B) includes a determination as to—

13 “(i) whether the National Institute of
14 Justice has defined DNA Capacity En-
15 hancement and Backlog Reduction pro-
16 gram-wide goals as required under para-
17 graph (2)(A); and

18 “(ii) whether the Office of Justice
19 Programs has fully established all appro-
20 priate controls relating to conflicts of inter-
21 est and to lobbying as required under
22 paragraph (2)(B).”; and

23 (5) in subsection (j), by striking “2015 through
24 2019” and inserting “2019 through 2024”.

1 **SEC. 3. TRAINING AND EDUCATION.**

2 Section 303(b) of the DNA Sexual Assault Justice
3 Act of 2004 (34 U.S.C. 40722(b)) is amended by striking
4 “2015 through 2019” and inserting “2019 through
5 2024”.

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

7 Section 304(d) of the DNA Sexual Assault Justice
8 Act of 2004 (34 U.S.C. 40723(d)) is amended by striking
9 “2015 through 2019” and inserting “2019 through
10 2024”.

Passed the Senate May 16, 2019.

Attest:

JULIE E. ADAMS,

Secretary.