

117TH CONGRESS
2D SESSION

S. 3648

To amend the DNA Sexual Assault Justice Act of 2004 to increase access to Sexual Assault Nurse Examiners, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2022

Mr. CORNYN (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the DNA Sexual Assault Justice Act of 2004 to increase access to Sexual Assault Nurse Examiners, 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 “Supporting Access to
5 Nurse Exams Act” or the “SANE Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 304 of the DNA Sexual Assault Justice Act
8 of 2004 (34 U.S.C. 40723) is amended by striking sub-
9 sections (a), (b), and (c) and inserting the following:

10 “(a) **DEFINITIONS.**—In this section:

1 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ includes—

3 “(A) a Tribal government or hospital;

4 “(B) a sexual assault examination pro-
5 gram, including—

6 “(i) a SANE program;

7 “(ii) a SAFE program;

8 “(iii) a SART program;

9 “(iv) medical personnel, including a
10 doctor or nurse, involved in treating vic-
11 tims of sexual assault; and

12 “(v) a victim service provider involved
13 in treating victims of sexual assault;

14 “(C) a State sexual assault coalition;

15 “(D) a health care facility, including a hos-
16 pital that provides sexual assault forensic ex-
17 aminations by a qualified or certified SANE or
18 SAFE;

19 “(E) a sexual assault examination program
20 that provides SANE or SAFE training; and

21 “(F) a community-based program that pro-
22 vides sexual assault forensic examinations, in-
23 cluding pediatric forensic exams in a multidisci-
24 plinary setting, by a qualified or certified

1 SANE or SAFE outside of a traditional health
2 care setting.

3 “(2) HEALTH CARE FACILITY.—The term
4 ‘health care facility’ means any State, local, Tribal,
5 community, free, nonprofit, academic, or private
6 medical facility, including a hospital, that provides
7 emergency medical care to patients.

8 “(3) MEDICAL FORENSIC EXAMINATION;
9 MFE.—The term ‘medical forensic examination’ or
10 ‘MFE’ means an examination of a sexual assault pa-
11 tient by a health care provider, who has specialized
12 education and clinical experience in the collection of
13 forensic evidence and treatment of these patients,
14 which includes—

15 “(A) gathering information from the pa-
16 tient for the medical forensic history;

17 “(B) an examination;

18 “(C) coordinating treatment of injuries,
19 documentation of biological and physical find-
20 ings, and collection of evidence from the pa-
21 tient;

22 “(D) documentation of findings;

23 “(E) providing information, treatment, and
24 referrals for sexually transmitted infections,
25 pregnancy, suicidal ideation, alcohol and sub-

1 stance abuse, and other non-acute medical con-
2 cerns; and

3 “(F) providing follow-up as needed to pro-
4 vide additional healing, treatment, or collection
5 of evidence.

6 “(4) PEDIATRIC SANE AND SAFE.—The term
7 ‘pediatric SANE and SAFE’ means a SANE or
8 SAFE who is trained to conduct sexual assault fo-
9 rensic examinations on children and youth between
10 the ages of 0 and 18.

11 “(5) QUALIFIED PERSONNEL.—The term
12 ‘qualified personnel’ includes a registered or ad-
13 vanced practice nurse, physician, doctor of osteop-
14 athy, or physician assistant who has specialized
15 training conducting medical forensic examinations.

16 “(6) QUALIFIED SANE AND SAFE TRAINING
17 PROGRAM.—The term ‘qualified SANE and SAFE
18 training program’ means a program that—

19 “(A) is qualified to prepare current and fu-
20 ture sexual assault nurse examiners to be pro-
21 fession-ready and meet the applicable State and
22 national certification and licensure require-
23 ments, through didactic, clinical, preceptor, or
24 capstone programs that include longer-term
25 training;

1 “(B) provides that preparation under a
2 health care model that uses trauma-informed
3 techniques; and

4 “(C) is approved as meeting the most re-
5 cent National Training Standards for Sexual
6 Assault Medical Forensic Examiners.

7 “(7) RURAL AREA.—The term ‘rural area’ has
8 the meaning given the term in section 40002 of the
9 Violence Against Women Act of 1994 (34 U.S.C.
10 12291).

11 “(8) SECRETARY.—The term ‘Secretary’ means
12 the Secretary of Health and Human Services.

13 “(9) SEXUAL ASSAULT.—The term ‘sexual as-
14 sault’ means any nonconsensual sexual act or sexual
15 contact proscribed by Federal, Tribal, or State law,
16 including when the individual lacks capacity to con-
17 sent.

18 “(10) SEXUAL ASSAULT FORENSIC EXAMINER;
19 SAFE.—The term ‘sexual assault forensic examiner’
20 or ‘SAFE’ means an individual who has specialized
21 forensic training in treating sexual assault survivors
22 and conducting medical forensic examinations.

23 “(11) SEXUAL ASSAULT FORENSIC EXAMINA-
24 TION.—The term ‘sexual assault forensic examina-
25 tion’ means an examination of a sexual assault pa-

1 tient by a health care provider, who has specialized
2 education and clinical experience in the collection of
3 forensic evidence and treatment of these patients,
4 which includes—

5 “(A) gathering information from the pa-
6 tient for the medical forensic history;

7 “(B) an examination;

8 “(C) coordinating treatment of injuries,
9 documentation of biological and physical find-
10 ings, and collection of evidence from the pa-
11 tient;

12 “(D) documentation of findings;

13 “(E) providing information, treatment, and
14 referrals for sexually transmitted infections,
15 pregnancy, suicidal ideation, alcohol and sub-
16 stance abuse, and other non-acute medical con-
17 cerns; and

18 “(F) providing follow-up as needed to pro-
19 vide additional healing, treatment, or collection
20 of evidence.

21 “(12) SEXUAL ASSAULT NURSE EXAMINER;
22 SANE.—The term ‘sexual assault nurse examiner’ or
23 ‘SANE’ means a registered or advanced practice
24 nurse who has specialized training conducting med-
25 ical forensic examinations.

1 “(13) SEXUAL ASSAULT RESPONSE TEAM;
2 SART.—The term ‘sexual assault response team’ or
3 ‘SART’ means a multidisciplinary team that—

4 “(A) provides a specialized and immediate
5 response to survivors of sexual assault; and

6 “(B) may include health care personnel,
7 law enforcement representatives, community-
8 based survivor advocates, prosecutors, and fo-
9 rensic scientists.

10 “(14) STATE.—The term ‘State’ means any
11 State of the United States, the District of Columbia,
12 and any territory or possession of the United States.

13 “(15) TRAUMA-INFORMED.—The term ‘trauma-
14 informed’ means, with respect to services or train-
15 ing, services or training that—

16 “(A) use a patient-centered approach to
17 providing services or care;

18 “(B) promote the dignity, strength, and
19 empowerment of patients who have experienced
20 trauma; and

21 “(C) incorporate evidence-based practices
22 based on knowledge about the impact of trauma
23 on patients’ lives.

24 “(16) UNDERSERVED POPULATIONS.—The
25 term ‘underserved populations’ has the meaning

1 given the term in section 40002 of the Violence
2 Against Women Act of 1994 (34 U.S.C. 12291).”.

3 **SEC. 3. SEXUAL ASSAULT NURSE EXAMINER GRANTS.**

4 Section 304 of the DNA Sexual Assault Justice Act
5 of 2004 (34 U.S.C. 40723) is amended by inserting after
6 subsection (a), as amended by section 2 of this Act, the
7 following:

8 “(b) SEXUAL ASSAULT NURSE EXAMINER TRAINING
9 PROGRAM GRANTS.—

10 “(1) AUTHORIZATION FOR GRANTS.—The At-
11 torney General, in consultation with the Secretary,
12 shall make grants to eligible entities for the fol-
13 lowing purposes:

14 “(A) To establish qualified regional SANE
15 training programs—

16 “(i) to provide clinical education for
17 SANE students;

18 “(ii) to provide salaries for full- and
19 part-time SANE instructors, including
20 those specializing in pediatrics and work-
21 ing in a multidisciplinary team setting, to
22 help with the clinical training of SANEs;
23 and

1 “(iii) to provide access to simulation
2 laboratories and other resources necessary
3 for clinical education.

4 “(B) To provide full- and part-time sala-
5 ries for SANEs and SAFEs, including pediatric
6 SANEs and SAFEs.

7 “(C) To increase access to SANEs and
8 SAFEs by otherwise providing training, edu-
9 cation, or technical assistance relating to the
10 collection, preservation, analysis, and use of
11 DNA samples and DNA evidence by SANEs,
12 SAFEs, and other qualified personnel.

13 “(2) PREFERENCE FOR GRANTS.—In reviewing
14 applications for grants under this section, the Attor-
15 ney General shall give preference to any eligible enti-
16 ty that certifies in the grant application that the en-
17 tity will coordinate with a rape crisis center or the
18 State sexual assault coalition to facilitate sexual as-
19 sault advocacy to support sexual assault survivors
20 and use the grant funds to—

21 “(A) establish qualified SANE training
22 programs in localities with a high volume of fo-
23 rensic trauma cases, including adult and child
24 sexual assault, domestic violence, elder abuse,
25 sex trafficking, and strangulation cases;

1 “(B) increase the local and regional avail-
 2 ability of full- and part-time sexual assault
 3 nurse examiners in a rural area, Tribal area, an
 4 area with a health professional shortage, or for
 5 an underserved population, including efforts to
 6 provide culturally competent services; or

7 “(C) establish or sustain sexual assault
 8 mobile teams or units or otherwise enhance
 9 SANE and SAFE access through telehealth.”.

10 **SEC. 4. DIRECTIVE.**

11 Section 304 of the DNA Sexual Assault Justice Act
 12 of 2004 (34 U.S.C. 40723) is amended—

13 (1) by redesignating subsection (d) as sub-
 14 section (e); and

15 (2) by inserting after subsection (b), as added
 16 by section 3 of this Act, the following:

17 “(c) DIRECTIVE TO THE ATTORNEY GENERAL.—

18 “(1) IN GENERAL.—Not later than the begin-
 19 ning of fiscal year 2022, the Attorney General shall
 20 coordinate with the Secretary to inform health care
 21 facilities, including Federally qualified health centers
 22 and hospitals, colleges and universities, and other
 23 appropriate health-related entities about—

24 “(A) the availability of grant funding
 25 under this section; and

1 “(B) the role of sexual assault nurse exam-
2 iners, both adult and pediatric, and available
3 resources of the Department of Justice and the
4 Department of Health and Human Services to
5 train or employ sexual assault nurse examiners
6 to address the needs of communities dealing
7 with sexual assault, domestic violence, sex traf-
8 ficking, elder abuse, strangulation, and, in par-
9 ticular, the need for pediatric SANEs, including
10 such nurse examiners working in the multidisci-
11 plinary setting, in responding to abuse of both
12 children and adolescents.

13 “(2) REQUIREMENT.—In carrying out para-
14 graph (1), the Attorney General shall collaborate
15 with nongovernmental organizations representing
16 SANEs.

17 “(d) PUBLIC INFORMATION ON ACCESS TO SEXUAL
18 ASSAULT FORENSIC EXAMINATIONS.—

19 “(1) IN GENERAL.—Not later than 2 years
20 after the date of enactment of the Supporting Access
21 to Nurse Exams Act, the Attorney General, in con-
22 sultation with the Secretary, shall establish, and up-
23 date annually, a public website on the access to fo-
24 rensic nurse examiners.

1 “(2) CONTENTS.—The website required under
2 paragraph (1) shall with specificity describe, by
3 State—

4 “(A) funding opportunities for SANE
5 training and continuing education; and

6 “(B) the availability of sexual assault ad-
7 vocates at locations providing sexual assault fo-
8 rensic exams.

9 “(3) REPORT TO CONGRESS.—Not later than 4
10 years after the date of enactment of the Supporting
11 Access to Nurse Exams Act, the Attorney General,
12 in consultation with the Secretary, shall submit to
13 the Committee on the Judiciary of the Senate, the
14 Committee on Health, Education, Labor, and Pen-
15 sions of the Senate, the Committee on the Judiciary
16 of the House of Representatives, and the Committee
17 on Energy and Commerce of the House of Rep-
18 resentatives a report on—

19 “(A) the availability of, and patient access
20 to, trained SANEs and other providers who
21 perform MFEs or sexual assault forensic exami-
22 nations;

23 “(B) the health care facilities, including
24 hospitals or clinics, that offer SANEs and sex-
25 ual assault forensic examinations and whether

1 each health care facility, including a hospital or
2 clinic, has full-time, part-time, or on-call cov-
3 erage;

4 “(C) regional, provider, or other barriers
5 to access for SANE care and services, including
6 MFEs and sexual assault forensic examinations;

7 “(D) State requirements, minimum stand-
8 ards, and protocols for training SANEs, includ-
9 ing trauma-informed and culturally competent
10 training standards;

11 “(E) State requirements, minimum stand-
12 ards, and protocols for training emergency serv-
13 ices personnel involved in MFEs and sexual as-
14 sult forensic examinations;

15 “(F) the availability of sexual assault
16 nurse examiner training, frequency of when
17 training is convened, the providers of such
18 training, the State’s role in such training, and
19 what process or procedures are in place for con-
20 tinuing education of such examiners;

21 “(G) the dedicated Federal and State
22 funding to support SANE training;

23 “(H) funding opportunities for SANE
24 training and continuing education;

1 “(I) the availability of sexual assault advoca-
2 tates at locations providing MFEs and sexual
3 assault forensic exams; and

4 “(J) the total annual cost of conducting
5 sexual assault forensic exams described in sec-
6 tion 2010(b) of title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (34
8 U.S.C. 10449(b)).”.

9 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

10 Subsection (e) of section 304 of the DNA Sexual As-
11 sault Justice Act of 2004 (34 U.S.C. 40723), as redesignig-
12 nated by section 4 of this Act, is amended to read as fol-
13 lows:

14 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated \$30,000,000 for each
16 of fiscal years 2023 through 2027 to carry out this sec-
17 tion.”.

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