

**AMENDMENT TO RULES COMMITTEE PRINT 113-2**  
**OFFERED BY MR. POE OF TEXAS**

Strike section 108 and insert the following (and conform the table of contents accordingly):

1 **SEC. 108. SEXUAL ASSAULT FORENSIC EVIDENCE REPORT-**  
2 **ING.**

3 (a) DEBBIE SMITH GRANTS FOR AUDITING SEXUAL  
4 ASSAULT EVIDENCE BACKLOGS.—Section 2 of the DNA  
5 Analysis Backlog Elimination Act of 2000 (42 U.S.C.  
6 14135) is amended—

7 (1) in subsection (a), by adding at the end the  
8 following new paragraphs:

9 “(7) To conduct an audit consistent with sub-  
10 section (n) of the samples of sexual assault evidence  
11 that are in the possession of the State or unit of  
12 local government and are awaiting testing.

13 “(8) To ensure that the collection and proc-  
14 essing of DNA evidence by law enforcement agencies  
15 from crimes, including sexual assault and other vio-  
16 lent crimes against persons, is carried out in an ap-  
17 propriate and timely manner and in accordance with  
18 the protocols and practices developed under sub-  
19 section (o)(1).”;

1           (2) in subsection (c), by adding at the end the  
2 following new paragraph:

3           “(4) ALLOCATION OF GRANT AWARDS FOR AU-  
4 DITS.—For each of fiscal years 2014 through 2017,  
5 not less than 5 percent, but not more than 7 per-  
6 cent, of the grant amounts distributed under para-  
7 graph (1) shall, if sufficient applications to justify  
8 such amounts are received by the Attorney General,  
9 be awarded for purposes described in subsection  
10 (a)(7), provided that none of the funds required to  
11 be distributed under this paragraph shall decrease or  
12 otherwise limit the availability of funds required to  
13 be awarded to States or units of local government  
14 under paragraph (3).”; and

15           (3) by adding at the end the following new sub-  
16 sections:

17           “(n) USE OF FUNDS FOR AUDITING SEXUAL AS-  
18 SAULT EVIDENCE BACKLOGS.—

19           “(1) ELIGIBILITY.—The Attorney General may  
20 award a grant under this section to a State or unit  
21 of local government for the purpose described in  
22 subsection (a)(7) only if the State or unit of local  
23 government—

1           “(A) submits a plan for performing the  
2           audit of samples described in such subsection;  
3           and

4           “(B) includes in such plan a good-faith es-  
5           timate of the number of such samples.

6           “(2) GRANT CONDITIONS.—A State or unit of  
7           local government receiving a grant for the purpose  
8           described in subsection (a)(7)—

9           “(A) may not enter into any contract or  
10          agreement with any non-governmental vendor  
11          laboratory to conduct an audit described in sub-  
12          section (a)(7); and

13          “(B) shall—

14               “(i) not later than 1 year after receiv-  
15               ing the grant, complete the audit referred  
16               to in paragraph (1)(A) in accordance with  
17               the plan submitted under such paragraph;

18               “(ii) not later than 60 days after re-  
19               ceiving possession of a sample of sexual as-  
20               sault evidence that was not in the posses-  
21               sion of the State or unit of local govern-  
22               ment at the time of the initiation of an  
23               audit under paragraph (1)(A), subject to  
24               paragraph (4)(F), include in any required

1 reports under clause (v), the information  
2 listed under paragraph (4)(B);

3 “(iii) for each sample of sexual as-  
4 sault evidence that is identified as awaiting  
5 testing as part of the audit referred to in  
6 paragraph (1)(A)—

7 “(I) assign a unique numeric or  
8 alphanumeric identifier to each sam-  
9 ple of sexual assault evidence that is  
10 in the possession of the State or unit  
11 of local government and is awaiting  
12 testing; and

13 “(II) identify the date or dates  
14 after which the State or unit of local  
15 government would be barred by any  
16 applicable statutes of limitations from  
17 prosecuting a perpetrator of the sex-  
18 ual assault to which the sample re-  
19 lates;

20 “(iv) provide that—

21 “(I) the chief law enforcement of-  
22 ficer of the State or unit of local gov-  
23 ernment, respectively, is the individual  
24 responsible for the compliance of the  
25 State or unit of local government, re-

1                   spectively, with the reporting require-  
2                   ments described in clause (v); or

3                   “**(II)** the designee of such officer  
4                   may fulfill the responsibility described  
5                   in subclause (I) so long as such des-  
6                   ignee is an employee of the State or  
7                   unit of local government, respectively,  
8                   and is not an employee of any govern-  
9                   mental laboratory or non-govern-  
10                  mental vendor laboratory; and

11                  “(v) comply with all grantee reporting  
12                  requirements described in paragraph (4).

13                  “(3) **EXTENSION OF INITIAL DEADLINE.**—The  
14                  Attorney General may grant an extension of the  
15                  deadline under paragraph (2)(B)(i) to a State or  
16                  unit of local government that demonstrates that  
17                  more time is required for compliance with such para-  
18                  graph.

19                  “(4) **SEXUAL ASSAULT FORENSIC EVIDENCE**  
20                  **REPORTS.**—

21                  “(A) **IN GENERAL.**—For not less than 12  
22                  months after the completion of an initial count  
23                  of sexual assault evidence that is awaiting test-  
24                  ing during an audit referred to in paragraph  
25                  (1)(A), a State or unit of local government that

1 receives a grant award under subsection (a)(7)  
2 shall, not less than every 60 days, submit a re-  
3 port to the Department of Justice, on a form  
4 prescribed by the Attorney General, which shall  
5 contain the information required under sub-  
6 paragraph (B).

7 “(B) CONTENTS OF REPORTS.—A report  
8 under this paragraph shall contain the following  
9 information—

10 “(i) the name of the State or unit of  
11 local government filing the report;

12 “(ii) the period of dates covered by  
13 the report;

14 “(iii) the cumulative total number of  
15 samples of sexual assault evidence that, at  
16 the end of the reporting period—

17 “(I) are in the possession of the  
18 State or unit of local government at  
19 the reporting period;

20 “(II) are awaiting testing; and

21 “(III) the State or unit of local  
22 government has determined should  
23 undergo DNA or other appropriate fo-  
24 rensic analyses;

1           “(iv) the cumulative total number of  
2           samples of sexual assault evidence in the  
3           possession of the State or unit of local gov-  
4           ernment that, at the end of the reporting  
5           period, the State or unit of local govern-  
6           ment has determined should not undergo  
7           DNA or other appropriate forensic anal-  
8           yses, provided that the reporting form shall  
9           allow for the State or unit of local govern-  
10          ment, at its sole discretion, to explain the  
11          reasoning for this determination in some  
12          or all cases;

13           “(v) the cumulative total number of  
14          samples of sexual assault evidence in a  
15          total under clause (iii) that have been sub-  
16          mitted to a laboratory for DNA or other  
17          appropriate forensic analyses;

18           “(vi) the cumulative total number of  
19          samples of sexual assault evidence identi-  
20          fied by an audit referred to in paragraph  
21          (1)(A) or under paragraph (2)(B)(ii) for  
22          which DNA or other appropriate forensic  
23          analysis has been completed at the end of  
24          the reporting period;

1           “(vii) the total number of samples of  
2           sexual assault evidence identified by the  
3           State or unit of local government under  
4           paragraph (2)(B)(ii), since the previous re-  
5           porting period; and

6           “(viii) the cumulative total number of  
7           samples of sexual assault evidence de-  
8           scribed under clause (iii) for which the  
9           State or unit of local government will be  
10          barred within 12 months by any applicable  
11          statute of limitations from prosecuting a  
12          perpetrator of the sexual assault to which  
13          the sample relates.

14          “(C) PUBLICATION OF REPORTS.—Not  
15          later than 7 days after the submission of a re-  
16          port under this paragraph by a State or unit of  
17          local government, the Attorney General shall,  
18          subject to subparagraph (D), publish and dis-  
19          seminate a facsimile of the full contents of such  
20          report on an appropriate internet website.

21          “(D) PERSONALLY IDENTIFIABLE INFOR-  
22          MATION.—The Attorney General shall ensure  
23          that any information published and dissemi-  
24          nated as part of a report under this paragraph,  
25          which reports information under this sub-

1 section, does not include personally identifiable  
2 information or details about a sexual assault  
3 that might lead to the identification of the indi-  
4 viduals involved.

5 “(E) OPTIONAL REPORTING.—The Attor-  
6 ney General shall—

7 “(i) at the discretion of a State or  
8 unit of local government required to file a  
9 report under subparagraph (A), allow such  
10 State or unit of local government, at their  
11 sole discretion, to submit such reports on  
12 a more frequent basis; and

13 “(ii) make available to all States and  
14 units of local government the reporting  
15 form created pursuant to subparagraph  
16 (A), whether or not they are required to  
17 submit such reports, and allow such States  
18 or units of local government, at their sole  
19 discretion, to submit such reports for pub-  
20 lication.

21 “(F) SAMPLES EXEMPT FROM REPORTING  
22 REQUIREMENT.—The reporting requirements  
23 described in paragraph (2) shall not apply to a  
24 sample of sexual assault evidence that—

1           “(i) is not considered criminal evi-  
2           dence (such as a sample collected anony-  
3           mously from a victim who is unwilling to  
4           make a criminal complaint); or

5           “(ii) relates to a sexual assault for  
6           which the prosecution of each perpetrator  
7           is barred by a statute of limitations.

8           “(5) DEFINITIONS.—In this subsection:

9           “(A) AWAITING TESTING.—The term  
10          ‘awaiting testing’ means, with respect to a sam-  
11          ple of sexual assault evidence, that—

12           “(i) the sample has been collected and  
13           is in the possession of a State or unit of  
14           local government;

15           “(ii) DNA and other appropriate fo-  
16           rensic analyses have not been performed on  
17           such sample; and

18           “(iii) the sample is related to a crimi-  
19           nal case or investigation in which final dis-  
20           position has not yet been reached.

21           “(B) FINAL DISPOSITION.—The term ‘final  
22          disposition’ means, with respect to a criminal  
23          case or investigation to which a sample of sex-  
24          ual assault evidence relates—

1           “(i) the conviction or acquittal of all  
2           suspected perpetrators of the crime in-  
3           volved;

4           “(ii) a determination by the State or  
5           unit of local government in possession of  
6           the sample that the case is unfounded; or

7           “(iii) a declaration by the victim of  
8           the crime involved that the act constituting  
9           the basis of the crime was not committed.

10          “(C) POSSESSION.—

11           “(i) IN GENERAL.—The term ‘posses-  
12           sion’, used with respect to possession of a  
13           sample of sexual assault evidence by a  
14           State or unit of local government, includes  
15           possession by an individual who is acting  
16           as an agent of the State or unit of local  
17           government for the collection of the sam-  
18           ple.

19           “(ii) RULE OF CONSTRUCTION.—  
20           Nothing in clause (i) shall be construed to  
21           create or amend any Federal rights or  
22           privileges for non-governmental vendor lab-  
23           oratories described in regulations promul-  
24           gated under section 210303 of the DNA

1 Identification Act of 1994 (42 U.S.C.  
2 14131).

3 “(o) ESTABLISHMENT OF PROTOCOLS, TECHNICAL  
4 ASSISTANCE, AND DEFINITIONS.—

5 “(1) PROTOCOLS AND PRACTICES.—Not later  
6 than 18 months after the date of enactment of the  
7 Violence Against Women Reauthorization Act of  
8 2013, the Director, in consultation with Federal,  
9 State, and local law enforcement agencies and gov-  
10 ernment laboratories, shall develop and publish a de-  
11 scription of protocols and practices the Director con-  
12 siders appropriate for the accurate, timely, and ef-  
13 fective collection and processing of DNA evidence,  
14 including protocols and practices specific to sexual  
15 assault cases, which shall address appropriate steps  
16 in the investigation of cases that might involve DNA  
17 evidence, including—

18 “(A) how to determine—

19 “(i) which evidence is to be collected  
20 by law enforcement personnel and for-  
21 warded for testing;

22 “(ii) the preferred order in which evi-  
23 dence from the same case is to be tested;  
24 and

1                   “(iii) what information to take into  
2                   account when establishing the order in  
3                   which evidence from different cases is to be  
4                   tested;

5                   “(B) the establishment of a reasonable pe-  
6                   riod of time in which evidence is to be for-  
7                   warded by emergency response providers, law  
8                   enforcement personnel, and prosecutors to a  
9                   laboratory for testing;

10                  “(C) the establishment of reasonable peri-  
11                  ods of time in which each stage of analytical  
12                  laboratory testing is to be completed;

13                  “(D) systems to encourage communication  
14                  within a State or unit of local government  
15                  among emergency response providers, law en-  
16                  forcement personnel, prosecutors, courts, de-  
17                  fense counsel, crime laboratory personnel, and  
18                  crime victims regarding the status of crime  
19                  scene evidence to be tested; and

20                  “(E) standards for conducting the audit of  
21                  the backlog for DNA case work in sexual as-  
22                  sault cases required under subsection (n).

23                  “(2) TECHNICAL ASSISTANCE AND TRAINING.—  
24                  The Director shall make available technical assist-  
25                  ance and training to support States and units of

1 local government in adopting and implementing the  
2 protocols and practices developed under paragraph  
3 (1) on and after the date on which the protocols and  
4 practices are published.

5 “(3) DEFINITIONS.—In this subsection, the  
6 terms ‘awaiting testing’ and ‘possession’ have the  
7 meanings given those terms in subsection (n).”.

8 (b) REPORTS TO CONGRESS.—Not later than 90 days  
9 after the end of each fiscal year for which a grant is made  
10 for the purpose described in section 2(a)(7) of the DNA  
11 Analysis Backlog Elimination Act of 2000, as amended  
12 by subsection (a), the Attorney General shall submit to  
13 Congress a report that—

14 (1) lists the States and units of local govern-  
15 ment that have been awarded such grants and the  
16 amount of the grant received by each such State or  
17 unit of local government;

18 (2) states the number of extensions granted by  
19 the Attorney General under section 2(n)(3) of the  
20 DNA Analysis Backlog Elimination Act of 2000, as  
21 added by subsection (a); and

22 (3) summarizes the processing status of the  
23 samples of sexual assault evidence identified in Sex-  
24 ual Assault Forensic Evidence Reports established  
25 under section 2(n)(4) of the DNA Analysis Backlog

1 Elimination Act of 2000, including the number of  
2 samples that have not been tested.

3 (c) REDUCING THE RAPE KIT BACKLOG.—Section  
4 2(c)(3) of the DNA Analysis Backlog Elimination Act of  
5 2000 (42 U.S.C. 14135(c)(3)) is amended—

6 (1) in subparagraph (B), by striking “2014”  
7 and inserting “2018”; and

8 (2) by adding at the end the following:

9 “(C) For each of fiscal years 2014 through  
10 2018, not less than 75 percent of the total  
11 grant amounts shall be awarded for a combina-  
12 tion of purposes under paragraphs (1), (2), and  
13 (3) of subsection (a).”.

14 (d) OVERSIGHT AND ACCOUNTABILITY.—All grants  
15 awarded by the Department of Justice that are authorized  
16 under this section shall be subject to the following:

17 (1) AUDIT REQUIREMENT.—Beginning in fiscal  
18 year 2013, and each fiscal year thereafter, the In-  
19 spector General of the Department of Justice shall  
20 conduct audits of recipients of grants under this sec-  
21 tion to prevent waste, fraud, and abuse of funds by  
22 grantees. The Inspector General shall determine the  
23 appropriate number of grantees to be audited each  
24 year.

1           (2) MANDATORY EXCLUSION.—A recipient of  
2           grant funds under this section that is found to have  
3           an unresolved audit finding shall not be eligible to  
4           receive grant funds under this section during the 2  
5           fiscal years beginning after the 12-month period de-  
6           scribed in paragraph (5).

7           (3) PRIORITY.—In awarding grants under this  
8           section, the Attorney General shall give priority to  
9           eligible entities that, during the 3 fiscal years before  
10          submitting an application for a grant under this sec-  
11          tion, did not have an unresolved audit finding show-  
12          ing a violation in the terms or conditions of a De-  
13          partment of Justice grant program.

14          (4) REIMBURSEMENT.—If an entity is awarded  
15          grant funds under this section during the 2-fiscal-  
16          year period in which the entity is barred from receiv-  
17          ing grants under paragraph (2), the Attorney Gen-  
18          eral shall—

19                 (A) deposit an amount equal to the grant  
20                 funds that were improperly awarded to the  
21                 grantee into the General Fund of the Treasury;  
22                 and

23                 (B) seek to recoup the costs of the repay-  
24                 ment to the fund from the grant recipient that  
25                 was erroneously awarded grant funds.

1           (5) DEFINED TERM.—In this section, the term  
2           “unresolved audit finding” means an audit report  
3           finding in the final audit report of the Inspector  
4           General of the Department of Justice that the  
5           grantee has utilized grant funds for an unauthorized  
6           expenditure or otherwise unallowable cost that is not  
7           closed or resolved within a 12-month period begin-  
8           ning on the date when the final audit report is  
9           issued.

10           (6) NONPROFIT ORGANIZATION REQUIRE-  
11           MENTS.—

12           (A) DEFINITION.—For purposes of this  
13           subsection and the grant programs described in  
14           this section, the term “nonprofit organization”  
15           means an organization that is described in sec-  
16           tion 501(c)(3) of the Internal Revenue Code of  
17           1986 and is exempt from taxation under section  
18           501(a) of such Code.

19           (B) PROHIBITION.—The Attorney General  
20           shall not award a grant under any grant pro-  
21           gram described in this section to a nonprofit or-  
22           ganization that holds money in offshore ac-  
23           counts for the purpose of avoiding paying the  
24           tax described in section 511(a) of the Internal  
25           Revenue Code of 1986.

1           (C) DISCLOSURE.—Each nonprofit organi-  
2           zation that is awarded a grant under a grant  
3           program described in this section and uses the  
4           procedures prescribed in regulations to create a  
5           rebuttable presumption of reasonableness for  
6           the compensation of its officers, directors, trust-  
7           ees and key employees, shall disclose to the At-  
8           torney General, in the application for the grant,  
9           the process for determining such compensation,  
10          including the independent persons involved in  
11          reviewing and approving such compensation, the  
12          comparability data used, and contemporaneous  
13          substantiation of the deliberation and decision.  
14          Upon request, the Attorney General shall make  
15          the information disclosed under this subsection  
16          available for public inspection.

17          (7) ADMINISTRATIVE EXPENSES.—Unless oth-  
18          erwise explicitly provided in authorizing legislation,  
19          not more than 7.5 percent of the amounts author-  
20          ized to be appropriated under this section may be  
21          used by the Attorney General for salaries and ad-  
22          ministrative expenses of the Department of Justice.

23          (8) CONFERENCE EXPENDITURES.—

24                 (A) LIMITATION.—No amounts authorized  
25                 to be appropriated to the Department of Justice

1 under this section may be used by the Attorney  
2 General or by any individual or organization  
3 awarded discretionary funds through a coopera-  
4 tive agreement under this section, to host or  
5 support any expenditure for conferences that  
6 uses more than \$20,000 in Department funds,  
7 unless the Deputy Attorney General or the ap-  
8 propriate Assistant Attorney General, Director,  
9 or principal deputy as the Deputy Attorney  
10 General may designate, provides prior written  
11 authorization that the funds may be expended  
12 to host a conference.

13 (B) WRITTEN APPROVAL.—Written ap-  
14 proval under subparagraph (A) shall include a  
15 written estimate of all costs associated with the  
16 conference, including the cost of all food and  
17 beverages, audio/visual equipment, honoraria  
18 for speakers, and any entertainment.

19 (C) REPORT.—The Deputy Attorney Gen-  
20 eral shall submit an annual report to the Com-  
21 mittee on the Judiciary of the Senate and the  
22 Committee on the Judiciary of the House of  
23 Representatives on all conference expenditures  
24 approved by operation of this paragraph.

25 (9) PROHIBITION ON LOBBYING ACTIVITY.—

1 (A) IN GENERAL.—Amounts authorized to  
2 be appropriated under this section may not be  
3 utilized by any grant recipient to—

4 (i) lobby any representative of the De-  
5 partment of Justice regarding the award of  
6 grant funding; or

7 (ii) lobby any representative of a Fed-  
8 eral, State, local, or tribal government re-  
9 garding the award of grant funding.

10 (B) PENALTY.—If the Attorney General  
11 determines that any recipient of a grant under  
12 this section has violated subparagraph (A), the  
13 Attorney General shall—

14 (i) require the grant recipient to repay  
15 the grant in full; and

16 (ii) prohibit the grant recipient from  
17 receiving another grant under this section  
18 for not less than 5 years.

19 (e) SUNSET.—Effective on December 31, 2018, sub-  
20 sections (a)(7) and (n) of section 2 of the DNA Analysis  
21 Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(7)  
22 and (n)) are repealed.

