

**Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee
Executive Business Meeting
April 28, 2016**

Good morning. Today on the agenda, we have a number of bills and a U.S. Marshal nominee.

In addition to S. 247, the Expatriate Terrorist Act, we have for the first time on the Committee agenda: S. 2348, the Rapid DNA Act of 2015, S. 2577, the Justice for All Reauthorization Act of 2016, and S. 2840, the Police Act. The nomination on the agenda is Patrick Burke to be Marshal for the District of Columbia.

The Rapid DNA Act, S. 2348, is offered by Senator Hatch and has a range of bipartisan cosponsors on the Committee: Feinstein, Sessions, Whitehouse, Cornyn, Klobuchar, Lee, and Perdue. Existing law establishes an index of DNA identification records for individuals convicted of crimes, persons indicted for crimes, and DNA samples from crime scenes, among others. The index only includes information from tests that are performed by criminal justice agencies in accordance with particular procedural standards by laboratories that are accredited.

In recent years, technology has evolved to enable DNA samples to be taken rapidly from individuals who have been arrested and whose DNA sample can produce a DNA profile through an automated process. Naturally, inclusion of these profiles would expand the number of individuals who could be included in the index to solve serious crimes. And although the technology permits only an individual sample, and not a mix, including samples obtained in this way in the index would be a valuable benefit to society.

The Rapid DNA Act would require the FBI to issue standards and procedures for the use of Rapid DNA instruments and their resulting DNA analyses. It would permit those results to be included in the DNA Index only if the criminal justice agencies taking Rapid DNA samples comply with the standards and procedures that the FBI approves. In this way, the bill would permit this new category of DNA samples to be uploaded to the index with the same protections and quality standards as current DNA samples.

The next item on our agenda is S. 2577, which would reauthorize several of the key programs that Congress established under the Justice for All Act. In passing this 2004 statute, Congress made a significant commitment to helping state and local crime labs reduce backlogs of unanalyzed DNA evidence from crime scenes and convicted offenders. Senators Cornyn, Leahy, Hatch and others introduced S. 2577, known as the Justice for all Reauthorization Act of 2016. The bill, which will be held over a week, expresses Congress' continued commitment to reducing DNA backlogs. It also would authorize resources for forensic labs and enhance convicted offenders' access to post-conviction DNA testing.

Finally on the agenda we have the POLICE Act, S. 2840, introduced by Senators Cornyn and Leahy. This bill will allow law enforcement and medical personnel across the country to use federal grant funds to train and better prepare for active shooter situations. This training will

help these brave men and women, who risk their own safety each day, to keep our communities safe when these situations arise. I'm proud to be an original co-sponsor of the bill.

Also, I want to mention that the House of Representatives unanimously passed an ECPA reform bill yesterday. I've said on many occasions that I agree that this law needs to be updated to better protect privacy. The idea that the privacy protections for an email depend on how old it is, or whether it's been opened or not, makes no sense in this increasingly digital age. On the other hand, members of this committee on both sides of the aisle have expressed concerns about the details of this reform, and whether it's balanced to reflect issues raised by law enforcement. For example, if a warrant's required to obtain email, should the constitutionally-recognized exceptions to the warrant requirement – such as the email owner's consent – be fully available for law enforcement as well? I plan on taking a close look at the bill that passed the House, and talking with interested stakeholders and members of this committee to try to find a path forward for ECPA reform here in the Senate.