

**Prepared Statement by Senator Chuck Grassley of Iowa  
Chairman, Senate Judiciary Committee  
Hearing on Promoting Justice for Victims of Crime:  
Examining the Federal Investment in DNA Analysis  
July 18, 2018**

Today the Committee will conduct oversight of the DNA Backlog and Capacity Enhancement Program. This is not the first time we've considered this subject, nor is it the first time that reports have emerged about large numbers of untested sexual assault kits in police warehouses, hospitals and crime labs across the country.

In 2009, just five years after passage of the Debbie Smith Act, another chairman of this Committee convened a hearing on this very same subject. At the time, we learned that even though Congress had devoted hundreds of millions of dollars for states to test DNA samples to reduce DNA backlogs, reports of large quantities of untested rape kits continued to emerge.

Nine years have passed since that Senate Judiciary hearing took place, and we've made an even bigger federal investment in DNA analysis since then. With my support, we've appropriated over \$100 million for the Justice Department to implement this grant program each and every year since 2009.

In 2004, when Congress passed the Debbie Smith Act, also with my support, we committed to fix this backlog issue for rape survivors. We've extended the grant program authorized by this statute on two occasions, most recently in 2014. And I want to extend a warm welcome to Debbie Smith, for whom that law is named. She's with us today to share her insights.

For those like Debbie, who've survived a rape and cooperated with police in the investigation, it can be devastating when weeks, months, or years pass without any word from the police on the outcome. Debbie waited six years for justice, and it was thanks to DNA testing that the perpetrator was identified in her case.

Last month, we heard from another survivor, Amanda Nguyen, who disclosed that she had to advocate for the preservation and analysis of her evidence collection kit. Amanda's testimony suggests there may be big differences in how jurisdictions across the nation handle DNA evidence.

We've all seen the media reports that some sexual assault kits never get submitted to crime labs for analysis. We know that some kits will be discarded, while others will remain indefinitely in storage at hospitals or in police vaults. Some kits will be inventoried by police agencies periodically, while other jurisdictions will do no such inventory of their untested evidence.

What does this mean for those of us who supported passage of the Debbie Smith Act? Almost 15 years after its passage, we may have more work to do.

First, it's concerning that we still don't know how many evidence kits have yet to be submitted to crime labs for analysis. *USA Today* reported several years ago that the number could be in the hundreds of thousands. Penny Nance of Concerned Women for America also has voiced concerns about that issue, and we welcome her input. States aren't required to inventory untested DNA evidence in law enforcement custody as a condition of receiving DNA backlog grants. I hope to hear from all of our witnesses about whether we need to amend the program to change that.

Second, we need to ascertain how much backlogged DNA casework awaits testing in crime labs, particularly since GAO in 2013 criticized the Justice Department's ability to assess and verify grantees' performance under this grant program. I look forward to hearing from our Justice Department witness about specific steps, if any, the Department proactively has taken, or could take, to quantify the nationwide backlog.

Third, I hope we'll hear detailed information from the Justice Department about how crime labs have used their DNA backlog grants to date. A related question is whether the Justice Department should proactively do more to encourage capacity enhancement, if DNA backlogs are a persistent, long term problem for crime labs.

Fourth, in reviewing the implementation of the DNA Backlog Program, GAO this week cited lobbying-related conflicts of interest. Some years ago, the Justice Department's Inspector General also noted the appearance of conflicts of interest in programs administered by the National Institute of Justice. I hope to hear more from GAO today about whether such conflicts persist, and what steps if any should be taken by the Justice Department to eliminate such conflicts.

Finally, I look forward to a discussion of other changes, if any, we should make to grant program deliverables. As jurisdictions receiving DNA backlog grants have adopted new policies that impact this program's effectiveness in reducing DNA backlogs, we may need to consider updates to the program to reflect changing realities.

Nearly fifteen years ago, we embarked on a mission to eliminate the DNA backlog. We sought to ensure that law enforcement had all the tools necessary to quickly apprehend the perpetrators of these heinous crimes. Our purpose today is to assess the progress we've made in accomplishing that goal, and also explore additional ways, if any, that we might improve the program to ensure that victims are served.