

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5721
OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 2, strike line 22 and all that follows through line 16 on page 6, and insert the following:

**1 SEC. 3. REPORT TO ATTORNEY GENERAL REQUIRED ON
2 SEXUAL ASSAULT KIT TESTING.**

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

5 (1) in subsection (b)—

6 (A) in paragraph (7), by striking “and” at
7 the end;

8 (B) in paragraph (8), by striking the pe-
9 riod at the end; and

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

11 “(9) include a report indicating whether—

12 “(A) the State or unit of local government
13 has conducted a comprehensive sexual assault
14 kit inventory, commonly known as a ‘backlog
15 inventory’, to identify the physical location, un-
16 tested or tested status (or full sexual assault kit
17 status, if available), and any individual test kit
18 identification or tracking information of each

1 sexual assault kit in the possession of such
2 State or unit of local government, or that has
3 been otherwise transmitted by a State or unit
4 of local government to a third-party, such as for
5 testing, storing, processing, or handling;

6 “(B) with respect to each sexual assault
7 kit that the victim has consented to have col-
8 lected, the State or unit of local government
9 has submitted each such sexual assault kit to a
10 laboratory for DNA analysis;

11 “(C) results of any such DNA analysis
12 were uploaded to the Combined DNA Index
13 System;

14 “(D) the State or unit of local government
15 has established an electronic tracking system
16 for a victim to identify the physical location of
17 their sexual assault kit and the results of any
18 DNA analysis that was performed;

19 “(E) the State or unit of local government
20 has established a victim notification protocol for
21 informing a victim of the status of their sexual
22 assault kit, including where their sexual assault
23 kit was analyzed;

24 “(F) the State or unit of local government
25 has in place a comprehensive sexual assault kit

1 inventory system to identify sexual assault kit
2 status, physical location, and any test kit iden-
3 tification or tracking information of each sexual
4 assault kit in the possession of such State or
5 unit of local government, or otherwise trans-
6 mitted by a State or unit of local government
7 to a third-party, such as for testing, storing,
8 processing, or handling; and

9 “(G) the information in any comprehensive
10 sexual assault kit inventory system described in
11 subparagraph (F) is updated, and how and
12 when it is updated.

13 Between the receipt of a grant application and de-
14 ciding on such application, the Attorney General
15 shall determine if the State or unit of local govern-
16 ment has completed the conduct described under
17 paragraph (9) and, if such conduct has not been
18 completed, the reason that it has not been com-
19 pleted. A State or unit or local government shall
20 only be eligible for a grant under this section if the
21 Attorney General determines such State or unit of
22 local government has completed such conduct. A
23 State or unit of local government that has been
24 awarded a grant under this section as of the date of
25 the enactment of the ‘Rape Kit Backlog Progress

1 Act of 2023’ shall have one calendar year from such
2 date of enactment to complete such conduct or such
3 State or unit of local government shall become ineli-
4 gible for a grant under this section.”; and

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

6 “(p) ADDITIONAL DEFINITIONS.—For purposes of
7 subsection (b):

8 “(1) SEXUAL ASSAULT KIT.—The term ‘sexual
9 assault kit’ means evidence gathered by a medical
10 professional from a victim following a sexual assault,
11 which evidence may—

12 “(A) include swabs, test tubes, microscopic
13 slides, and evidence collection envelopes, for
14 hairs and fibers; and

15 “(B) vary in accordance with the cir-
16 cumstances of the sexual assault and with any
17 applicable rules or procedures of the jurisdic-
18 tion.

19 “(2) SEXUAL ASSAULT KIT STATUS.—The term
20 ‘sexual assault kit status’ means whether an indi-
21 vidual sexual assault kit is—

22 “(A) collected and untested;

23 “(B) collected and tested;

24 “(C) lost or missing, expired or spoiled; or

1 “(D) tested and results reported to the vic-
2 tim, proper authorities, and the Combined DNA
3 Index System.”.

Page 6, strike line 17 and all that follows through
line 23 on page 7, and insert the following:

4 **SEC. 4. ATTORNEY GENERAL PUBLIC REPORT ON RAPE KIT**
5 **BACKLOGS.**

6 The DNA Analysis Backlog Elimination Act of 2000
7 (34 U.S.C. 40701 et seq.) is amended by adding at the
8 end the following:

9 **“SEC. 12. ATTORNEY GENERAL PUBLIC REPORT ON RAPE**
10 **KIT BACKLOGS.**

11 “(a) IN GENERAL.—Beginning not later than two
12 years after the date of the enactment of the ‘Rape Kit
13 Backlog Progress Act of 2023’, and annually thereafter,
14 the Attorney General shall make publicly available on the
15 internet website of the Department of Justice a report,
16 including—

17 “(1) each report on the conduct described
18 under section 2(b)(9) received from an applicant for
19 a grant under this subpart;

20 “(2) an aggregate analysis of the reports de-
21 scribed under paragraph (1);

22 “(3) if an applicant for a grant under this sub-
23 part has been awarded a grant; and

1 “(4) if an applicant for a grant under this sub-
2 part completed the conduct described under section
3 2(b)(9) and if it has not completed the conduct de-
4 scribed under such subsection, the reason that the
5 conduct has not been completed.

6 “(b) PROHIBITION ON PERSONALLY IDENTIFIABLE
7 INFORMATION.—Any information published by the Attor-
8 ney General pursuant to this section may not contain the
9 personally identifiable information of a victim and if such
10 information was erroneously published, it shall be removed
11 from the website of the Department of Justice imme-
12 diately upon discovery.”.

