

DEBBIE SMITH REAUTHORIZATION
ACT OF 2008

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5057) to reauthorize the Debbie Smith DNA Backlog Grant Program, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Debbie Smith Reauthorization Act of 2008”.

SEC. 2. REAUTHORIZATION OF THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

(a) AMENDMENTS.—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(B) by inserting after paragraph (2) the following new paragraph:

“(3) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from missing or unidentified persons, including samples from the remains, personal effects, or biological relatives of such persons.”;

(C) in paragraph (4) (as redesignated by subparagraph (A)), by striking “paragraph (1) or (2)” and inserting “paragraph (1), (2), or (3)”; and

(D) in paragraph (5) (as so redesignated), by striking “in paragraph (1)” and inserting “in paragraphs (1) and (3)”; and

(2) in subsection (b)—

(A) in paragraph (6), by striking “and” after the semicolon;

(B) in paragraph (7), by striking the period and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(8) provide assurances that the State or unit of local government has implemented, or will implement not later than 2 years after the date of such application, a process under which the State or unit, respectively, provides for the collection, for purposes of inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, of DNA samples from all felons who are imprisoned in a prison of such State or unit, respectively, (including all felons imprisoned in such prison or unit, respectively, as of the date of the enactment of the Debbie Smith Reauthorization Act of 2008).”;

(3) in subsection (c)(3)—

(A) by striking subparagraphs (A) through (D);

(B) by redesignating subparagraph (E) as subparagraph (A); and

(C) by inserting after subparagraph (A) (as so redesignated) the following new subparagraph:

“(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2) of this section.”; and

(4) by amending subsection (j) to read as follows:

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Attorney General for grants under subsection (a)—

“(1) \$151,000,000 for fiscal year 2009; and

“(2) \$200,000,000 for each of the fiscal years 2010 through 2014.”.

(b) EFFECTIVE DATE.—The amendments made by paragraph (2) of subsection (a) shall

apply to grants made on or after January 1, 2009.

SEC. 3. STUDY TO ASSESS THE DNA ANALYSIS BACKLOG.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) despite the funding provided for more than 5 fiscal years by the Federal Government to assist in the reduction of the DNA analysis backlog, the backlog continues to exist in many crime laboratories around the country;

(2) as a consequence of the continuance of the DNA analysis backlog, many violent crimes that could be solved remain unsolved, and individuals who have been wrongfully convicted who could be determined to be innocent through DNA testing remain in prison; and

(3) the causes of the DNA analysis backlog are complex and require a thorough and detailed study.

(b) STUDY REQUIRED.—The National Academy of Sciences shall, in consultation with no fewer than 3 forensic science practitioners from States and units of local government, conduct a study to determine the resources and other requirements necessary to eliminate the DNA analysis backlog and to prevent such a backlog from reoccurring after it has been eliminated.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Attorney General and to Congress a report on the results of the study conducted under subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,000,000 for fiscal year 2009.

SEC. 4. INCENTIVES FOR PERMANENT STATE-GENERATED DNA FUNDING STREAMS.

(a) MATCHING FUNDS.—For each fiscal year beginning after the date of the enactment of this Act, each eligible DNA funding State, with respect to a funding mechanism described in subsection (b) implemented by such State, shall be eligible for Federal matching funds to carry out such mechanism in an amount determined to be appropriate by the Attorney General.

(b) ELIGIBLE DNA FUNDING STATES DESCRIBED.—For purposes of this section, the term “eligible DNA funding State” means a State that demonstrates to the satisfaction of the Attorney General that the State has implemented (and applies) a permanent funding mechanism that generates funds, whether by fees or penalties, that are allocated by the State only for purposes of the analysis of DNA samples for law enforcement purposes.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2009 through 2013.

SEC. 5. EVALUATION OF DNA INTEGRITY AND SECURITY.

(a) EVALUATION.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall evaluate the integrity and security of DNA collection and storage practices and procedures at a sample of crime laboratories in the United States to determine the extent to which DNA samples are tampered with or are otherwise contaminated in crime laboratories. Such sample shall be a representative sample of crime laboratories in the United States.

(b) REPORT.—The Attorney General shall annually report to Congress the findings of the evaluation conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section \$10,000,000 for each of the fiscal years 2009 through 2015.

SEC. 6. INCENTIVES FOR STATES TO COLLECT DNA SAMPLES FROM INDIVIDUALS ARRESTED FOR OR CHARGED WITH MURDER AND SEX CRIMES.

(a) IN GENERAL.—In the case of a State that receives funds for a fiscal year under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 and that has an implemented enhanced State DNA collection process for such year, the amount of funds that would otherwise be allocated for that fiscal year to the State under such subpart shall be increased by 10 percent.

(b) ENHANCED STATE DNA COLLECTION PROCESS DEFINED.—For purposes of this section, the term “enhanced State DNA collection process” means, with respect to a State, a process under which the State provides for the collection, for purposes of inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, of DNA samples from the following individuals who are at least 18 years of age:

(1) Such individuals who are arrested for or charged with a criminal offense under State law that consists of murder or voluntary manslaughter or any attempt to commit murder or voluntary manslaughter.

(2) Such individuals who are arrested for or charged with a criminal offense under State law that has an element involving a sexual act or sexual contact with another and that is punishable by imprisonment for more than 1 year, or an attempt to commit such an offense.

(3) Such individuals who are arrested for or charged with a criminal offense under State law that consists of a specified offense against a minor (as defined in section 111(7) of the Sex Offender Registration and Notification Act (42 U.S.C. 16911(7))), or an attempt to commit such an offense.

The expungement requirements under section 210304(d) of the DNA Identification Act of 1994 (42 U.S.C. 14132(d)) shall apply to any samples collected pursuant to this section for purposes of inclusion in the Combined DNA Index System.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to grants made on or after the date of the enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, in addition to funds made available under section 508 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3758), such sums as may be necessary to carry out this section for each of the fiscal years 2009 through 2013.

SEC. 7. ADDITIONAL STUDY AND REPORT ON INVESTIGATIONS AND PROSECUTIONS RELATED TO CODIS “HITS”.

(a) STUDY.—The Inspector General of the Department of Justice shall carry out a study on—

(1) the number of instances in which DNA samples that are matched with samples included in the Combined DNA Index System database of the Federal Bureau of Investigation that are followed up on by appropriate law enforcement entities;

(2) the number of such matches described in paragraph (1) that are brought to the attention of a prosecutor;

(3) the number of the investigations described in paragraph (2) that result in a trial; and

(4) in the case of matches described in paragraph (1) that were not followed up on by appropriate law enforcement entities, were not brought to the attention of a prosecutor, or did not result in a trial—

(A) the reasons why such matches were not pursued accordingly; and

(B) the resulting impact on the criminal justice system, including whether other

crimes were committed that could have been prevented if such matches had been pursued accordingly.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to Congress a report on the study under subsection (a).

SEC. 8. NATIONAL DNA INDEX SYSTEM ADVISORY BOARD.

(a) ESTABLISHMENT.—The Attorney General shall establish the National DNA Index System Advisory Board (in this section referred to as the “NDIS Advisory Board”) to develop and, if appropriate, periodically revise standards and requirements for the use of and access to the index described in section 210304(a) of the DNA Identification Act of 1994 (42 U.S.C. 14132(a)).

(b) MEMBERSHIP.—Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint members to the NDIS Advisory Board as follows:

(1) At least 4 directors of State or local forensic laboratories.

(2) One representative from the Federal Bureau of Investigation.

(3) One representative from the Scientific Working Group on DNA Analysis Methods.

(4) One representative from the Office of Legal Policy of the Department of Justice.

(5) One representative from the National Institute of Justice.

(6) One representative from the National Academies of Science.

(7) One State or local prosecutor.

(8) One criminal defense attorney.

(9) One representative from the National Institute of Standards and Technology.

(10) One member of the academic community who specializes in DNA privacy issues.

(11) One crime victim or crime victim advocate.

(12) One representative of a State police agency.

(13) One representative of a local police agency.

(c) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the NDIS Advisory Board.

(d) NOTICE, COMMENT, AND PUBLICATION.—The Attorney General shall provide for public notice and comment for each standard developed under this section and for publication of each such standard.

(e) PAY AND REIMBURSEMENT.—

(1) NO COMPENSATION FOR MEMBERS OF NDIS ADVISORY BOARD.—Except as provided in paragraph (2), a member of the NDIS Advisory Board may not receive pay, allowances, or benefits by reason of their service on the Board.

(2) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence under subchapter I of chapter 57 of title 5, United States Code.

(f) QUALITY ASSURANCE STANDARDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the NDIS Advisory Board shall develop (and provide recommendations to the Director of the Federal Bureau of Investigation on) standards governing the use of and access to the index described in subsection (a). The NDIS Advisory Board shall periodically update such standards as appropriate. The standards shall provide for the expedited uploading into such index by State and local forensic laboratories of DNA analyses of samples obtained from persons convicted of crimes, including such analyses processed by private forensic laboratories.

(2) CONSIDERATION OF ADDITIONAL PROPOSALS TO EXPEDITE PROCESSING AND UPLOADING OF DNA SAMPLES.—Not later than one year after the date of the enactment of this Act, the NDIS Advisory Board shall also

provide recommendations to the Director of the Federal Bureau of Investigation on the following:

(A) The feasibility and desirability of entering into agreements with private forensic laboratories to enable direct access to the Combined DNA Index System of the Federal Bureau of Investigation for the purpose of uploading DNA analyses of samples obtained from persons convicted of crimes.

(B) The feasibility and desirability of providing for more limited technical review audits of DNA analyses of samples prior to uploading such data into the Combined DNA Index System.

(C) The feasibility and desirability of permitting greater participation in the technical review of DNA analyses of samples by contractor personnel.

(D) The feasibility and desirability of allowing immediate upload of DNA profiles obtained from crime scene samples and rape kits.

(3) ISSUANCE OF POLICIES, PROCEDURES, AND STANDARDS.—The Director of the Federal Bureau of Investigation, with the approval of the Attorney General, after taking into consideration the recommended policies, procedures, and standards recommended by the NDIS Advisory Board under this section shall issue (and revise from time to time) policies, procedures, and standards relating to the administration of the National DNA Index System including, standards for quality assurance, testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(g) EXCLUSIVITY OF POLICIES, PROCEDURES, AND STANDARDS.—The policies, procedures, and standards issued under subsection (f)(3) shall be the exclusive policies, procedures, and standards issued with respect to State, local, and private laboratories that participate in the National DNA Index System. Policies, procedures, laboratory audit requirements, standards, and any other manner of regulation or control (other than any condition imposed pursuant to a grant awarded through the Department of Justice) may not be inconsistent with, or expand upon provisions contained in such approved policies, procedures, or standards.

SEC. 9. DNA TECHNOLOGY ENHANCEMENT GRANTS.

(a) IN GENERAL.—The Attorney General shall establish a grant program under which the Attorney General may make grants to States and units of local government to purchase forensic DNA technology or to improve such technology.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$50,000,000 for each of the fiscal years 2009 through 2013 to carry out subsection (a).

SEC. 10. REAUTHORIZATIONS OF CERTAIN DNA-RELATED GRANT PROGRAMS.

(a) DNA TRAINING AND EDUCATION FOR LAW ENFORCEMENT, CORRECTIONAL PERSONNEL, AND COURT OFFICERS.—Section 303(b) of the Justice For All Act of 2004 (42 U.S.C. 14136(b)) is amended by striking “2009” and inserting “2014”.

(b) SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.—Section 304(c) of such Act (42 U.S.C. 14136a(c)) is amended by striking “2009” and inserting “2014”.

(c) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of such Act (42 U.S.C. 14136b(c)) is amended by striking “2009” and inserting “2014”.

(d) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of such Act (42 U.S.C. 14136d(c)) is amended by striking “2009” and inserting “2014”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SCHIFF) and the gen-

tleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5057, the Debbie Smith Reauthorization Act of 2008, authorizes the Attorney General to provide grants to States to assist them in reducing the enormous DNA evidence backlog in the Nation’s laboratories. This important legislation will help to solve more crimes more quickly, and perhaps most importantly, it will help to ensure that other crimes are prevented altogether.

Across our Nation, law enforcement officers and prosecutors have come to recognize the role that DNA evidence can play in solving crimes. As a result, ever-increasing numbers of DNA samples are being collected from crime scenes and offenders. There is no better example that demonstrates the effectiveness of DNA technology in solving crimes than that of Debbie Smith, the bill’s namesake.

In 1989, Ms. Smith was kidnapped in her Virginia home and viciously attacked by a stranger who threatened her life should she report the attack. Nevertheless, with remarkable courage and determination, she reported the rape, and the crime lab preserved the DNA evidence of her attacker. Eventually, when the perpetrator was required to provide a DNA sample for a separate violent crime he was convicted for, a match was made to the sample collected from his attack on Ms. Smith, identifying him as her attacker.

Mr. Speaker, Debbie Smith and her husband, Rob, are here with us today, and I would like to ask them to stand so we can not only acknowledge their presence but thank them for their courage and determination and their work which has served as the driving force behind this legislation.

The remarkable law enforcement value of DNA evidence has unfortunately been limited by the enormous backlog of DNA samples still awaiting analysis. This means that crimes remain unsolved, violent offenders remain at large, and innocent individuals may be wrongfully imprisoned. H.R. 5057 would significantly increase the funding levels authorized for this important program and would also provide for important studies to further improve the system. H.R. 5057 also includes a number of other important initiatives that were adopted during the committee process.

Beginning in the 1990s, the Nation's crime labs were largely unprepared for the onslaught of requests for DNA services. Samples continue to pour into our Nation's crime labs at a pace faster than they can be processed. In order to address backlog problems, many States have begun outsourcing some of the work to accredited private laboratories. However, the FBI requires the crime labs perform in-house technical reviews of 100 percent of database samples from contract labs. While this requirement is certainly important with regard to forensic casework samples, it is found to be an onerous requirement with regard to the rather simple swabs that are taken from convicted offenders.

□ 1630

In fact, these requirements add substantial additional costs and further delay backlog reduction. Indeed, even Debbie Smith grant funds are expended on fulfilling these onerous requirements.

The National Institute of Justice has confirmed that "the burden of these requirements has increased the backlog of convicted offender samples, cost millions of dollars, and forced crime laboratories to remove staff from analyzing rape kits and other forensic samples."

In order to address this issue, I offered a bipartisan provision with my colleague Representative Dan Lungren that would create a new National DNA Index System Advisory Board to ensure diverse representation of views, including State and local lab directors, officials from the FBI and DOJ, and other relevant stakeholders.

The board is directed to develop new standards governing the use of the Federal index that provide for the expedited uploading by State and local forensic labs of convicted offender profiles generated by private labs. These new standards are to be issued within 6 months.

In addition, the board is directed to look into the feasibility of other measures that would greatly expedite analysis and uploading, as well as backlog reduction. These include the feasibility and desirability of entering into agreements with private forensic labs to enable direct access to CODIS for the purpose of uploading DNA analyses of samples obtained from persons convicted of crimes; the feasibility and desirability of providing for more limited technical review audits of DNA analyses of samples prior to uploading such data into CODIS; and the feasibility and desirability permitting greater participation in the technical review process of contractor personnel.

I also authored another provision in this legislation that aims to increase the crime-solving abilities of our DNA databases.

Today, 12 States collect samples from murder and sex crime arrestees, including my home State of California. Four of these States, including California,

collect or are preparing to collect samples from all felony arrestees.

Virginia was the first State to expand its database to include arrestees, and since then, the State has seen a total of 398 hits to their arrestee database, 74 of which were associated with sexual assault cases. For the first two months of this year alone, six hits to arrestees were made, the first hit coming just after the upload of the first 80 samples into the database.

A 2005 Chicago study examined the criminal activities of only eight individuals and found that 60 violent crimes could have been prevented, including 53 murders and rapes, if DNA was required for felony arrests.

In one example, Andre Crawford was charged with 11 murders and one attempted murder/aggravated sexual assault. If the State had required him to give a DNA sample during an earlier felony arrest, the subsequent 10 murders and one rape would not have occurred.

In another example, Mario Villa was charged with four rapes, linked by DNA to two other rapes, and a main suspect in an additional rape and two attempted rapes. If the State had required him to give a DNA sample during an earlier felony arrest, eight rapes or attempted rapes could have been prevented.

A recent Maryland study looked at the criminal histories for three offenders and found that 20 crimes, including rapes, sexual assaults, and murder could have been prevented had their DNA samples been required upon arrest.

Mr. Speaker, States who have moved to collect arrestee samples, such as Virginia and California, are greatly increasing the power of the national DNA network, while States with far narrower collection regimes are making the Federal database, which Congress has invested a substantial amount of money in, less sufficient. These States can still avail themselves of the Federal database and take full advantage of the expansive collection regimes of other States.

Therefore, a provision of this bill would provide incentives for States to follow the lead of the 12 States that currently collect samples from individuals arrested for or charged with murder and sex crimes. These States who would enact such an enhanced collection process would be eligible for a 10 percent increase in Federal formula law enforcement funds.

Since State backlogs are so huge and Federal funds remain limited, States have had to share a significant portion of the burden to fund these activities. However, State funding can fluctuate from year-to-year given the budget process and competing priorities. Some States, such as California, have penalty fee structures in place that provide a more stable and consistent funding stream.

Proposition 69 in California provided for a \$1 penalty for every \$10 or frac-

tion thereof upon every fine, penalty and forfeiture levied on criminal offenses, including traffic expenses, but excluding parking. Over \$40 million has been raised in California since its inception, and this has taken some of the burden off the Federal Government and the Debbie Smith grant funds available each year.

States should be encouraged to put such structures in place and for their ability to not rely as heavily on Federal resources.

Therefore, I authored a provision in this bill that would authorize the Attorney General to provide matching funds to those States that have implemented permanent funding mechanisms that generate funds, whether by fees or penalties, that are allocated by the State only for the purpose of analyzing DNA samples for law enforcement purposes.

Finally, this legislation includes a separate grant authorization for upgrading laboratory capability and infrastructure. And it provides supplemental grant incentives for States to fund their own DNA initiatives.

We have a comprehensive bill that will give lawmakers the best information for formulating policy, as well as provide law enforcement the most up-to-date tools and technology for solving crimes.

I'd like to commend CAROLYN MALONEY of New York for her leadership in authoring this bill. I also want to thank Chairman CONYERS and Ranking Member SMITH of Texas, as well as Subcommittee Chairman BOBBY SCOTT and Ranking Member LOUIE GOHMERT for their leadership in making this a fully bipartisan effort.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join the gentleman from California (Mr. SCHIFF) in support of H.R. 5057, the Debbie Smith Reauthorization Act.

Congresswoman CAROLYN MALONEY introduced this legislation to reauthorize the Debbie Smith DNA Backlog Elimination Grant Program through fiscal year 2014 at \$151 million per year.

DNA has become an invaluable tool in identifying and convicting criminal suspects. At the same time, the increased use of DNA evidence in criminal prosecutions has also increased DNA collection and processing requests. The result is a substantial backlog in processing DNA evidence across the country.

The Debbie Smith program provides grants to State and local governments to reduce the DNA backlog of samples collected and entered into the national DNA database. The program, originally authorized in 2000, expires at the end of fiscal year 2009.

Since 2000, DNA backlog grants have assisted State and local governments with the collection of 2.5 million DNA samples from convicted offenders and

arrestees for inclusion in the national DNA database. The backlog grants have also funded the testing of approximately 104,000 DNA cases between 2004 and 2007.

While the Debbie Smith Program has indeed been successful in reducing the backlog, there is still work to do. A 2003 Department of Justice report indicated a backlog of 48,000 DNA samples. The current backlog is expected to be just as high.

Mr. Speaker, every 2.7 minutes a person becomes a victim of sexual assault in this country. That's 22 Americans every hour, 528 every day, and over 3,600 every week who are the victims of rape or sexual assault. Debbie Smith was one of these victims, and it took 6 years before her assailant was identified through DNA evidence.

I also would like to commend Debbie Smith and her family for their courage and determination to help others who may become victims and also to prevent others from becoming victims in the future. It's very commendable for her and very brave of her and her family to step forward and go through what they have gone through.

There is another aspect of this bill that I would also like to highlight, and that is the expansion of the grant program to locate and identify missing persons and human remains. There are estimated to be more than 40,000 sets of unidentified human remains just, oftentimes, literally sitting on the shelves in medical examiner offices or in law enforcement offices or in coroner offices around the country. These cases have been put at the bottom of the list far too often, while most recent cases are investigated and solved using DNA technology. Yet, many of the 40,000 are also victims of heinous crimes.

For example in 1996, a woman who became a very good friend of myself and the staff people in my office, Debbie Culberson, her daughter Carrie died a gruesome death. While the murderer was convicted and will serve the rest of his life in jail, Carrie has never been found. Evidence has led investigators to the Ohio River, which divides the States of Ohio and Kentucky, but we don't know for sure.

Grants such as those made available by H.R. 5057 will ensure that law enforcement nationwide have the resources to make identifying these human remains a priority as well.

Congress has a responsibility to assist States with investigating, prosecuting, and severely punishing those who commit rapes and other sexual offenses and provide justice for victims. The Debbie Smith Reauthorization Act protects victims by providing Federal funding to process the DNA evidence needed to take violent criminals off the streets.

I urge my colleagues to join me in supporting this important legislation.

I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, it gives me great pleasure to recognize the gen-

tlewoman from Texas (Ms. JACKSON-LEE) for 4 minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished member of the Judiciary Committee and the manager of the minority side, as well as the chairman of the full committee, Mr. CONYERS; the ranking member, Mr. SMITH; the subcommittee Chair, Mr. SCOTT; and the ranking member, Mr. GOHMERT.

As a member of the subcommittee on crime and a senior member of the House Judiciary Committee, I rise with great enthusiasm to support H.R. 5057, the Debbie Smith Reauthorization Act of 2008.

And I salute Mr. and Mrs. Smith. This is not a new bill to me. Congresswoman MALONEY has worked very hard and has engaged the many women of the Congress to look at this issue in many, many different ways. We thank you, Debbie Smith for your courage, and we thank you for your bravery.

This is an important initiative. There are many improvements that have made this bill even better, but had it not been for Debbie Smith and her courage, we would not be where we are today.

As my colleague has already said, this bill was named for Debbie Smith who was kidnapped in her Virginia home and raped by a stranger. The Debbie Smith DNA backlog grant bill authorized grant money to States to collect samples from crime scenes and convicted persons.

This legislation also allows us to conduct DNA analysis and enter these results into a comprehensive national database. Debbie Smith's attacker remained unidentified for over 6 years, until a DNA sample collected from a convicted person serving time in Virginia State prison revealed his involvement in her rape. Although eventually identified, the 6 years between crime and identification allowed Ms. Smith's attacker to engage in more criminal activity.

What is the purpose and value of this legislation? It is to ensure that the perpetrator, the person who has acted in a violent and heinous way, is tried and convicted in a direct and fair and just manner, and that this individual is taken off the streets in order not to harm anyone else.

I am very gratified that we have expanded this legislation and that it is also an opportunity not only to ensure that those who have committed the crime are "doing the time" but to make sure that DNA is accurate and untainted for a fair and just results.

I support this legislation, and therefore, I offered a successful amendment that would require the Attorney General to evaluate the integrity and security of DNA collection and storage practices and procedures at a sample of crime laboratories throughout the country to determine the extent to which DNA samples are tampered with or are otherwise contaminated in such laboratories. This is crucial. A person

who should be convicted and is still walking the streets, can create more danger, and those who have been tried and incarcerated on contaminated DNA deserve a fair and just recommendation of their case. Contaminated DNA helps no one and this amendment corrects that problem.

The sample should be a representative sample and should include at least one lab from each State. My amendment would require the Attorney General to conduct this evaluation annually, and the Attorney General would be required to submit the evaluation to Congress. This amendment is necessary, and it authorizes some \$10 million over a 5-year period to allow this process to occur.

In Harris County, Texas, and other places around the Nation, DNA evidence was contaminated and wrongfully used to convict persons based upon faulty evidence. An investigation into the crime lab in Houston, for example, revealed that bad management, undertrained staff, false documentation, and inaccurate work cast doubt on thousands of DNA-based convictions. Investigators raised serious questions about the reliability of evidence in hundreds of cases they investigated and asked for further independent scrutiny and new testing to determine the extent to which individuals were wrongly convicted with faulty evidence.

Two individuals, Mr. Rodriguez and Mr. Joshua Sutton, were victimized by this faulty DNA process. Both served time in jail and were released when their cases were properly reviewed.

□ 1645

This is evidence that my amendment helps an already good bill, which will help victims like Mrs. Smith, but it also provides the added integrity to this system.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCHIFF. I would be happy to yield an additional minute to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. My amendment ensures that Congress will exercise the appropriate oversight over the DNA Data Collection Program. It will ensure the integrity and security of the DNA collection and storage procedures. It is my hope that my amendment will minimize wrongful convictions and will make the DNA storage and collection process more reliable.

When such a sacrifice has been made by someone as brave as Mrs. Smith, along with the work that has been done by my colleague, Congresswoman MALONEY, and this Congress, it further enhances the Nation's criminal justice system. We all agree, the criminal justice system should convict those who have done these dastardly acts, incarcerate them through a fair process of justice. And then, those who are innocent, make sure that the criminal justice system has the tools to insure them not guilty through transparent DNA evidence.

This is the way the American's justice system should be. We want this open fair system as much for Harris County, Texas, as we want it for Los Angeles, Chicago, and other places around the Nation.

This bill is a bill of integrity and fairness, and it upholds the fair justice system of the United States of America.

Mr. Speaker, this act authorizes funding to eliminate the large backlogs of DNA crime scene samples awaiting testing in State forensic labs. I am in support of this bill.

In recent years, law enforcement agencies have realized the critical value that DNA evidence has in quickly solving cases. Often, a DNA sample result can scientifically link a perpetrator to a crime or prove a defendant's innocence with virtual certainty. Many of the Nation's Federal and State criminal forensics laboratories currently are overwhelmed with innumerable samples awaiting DNA analysis.

Named for Debbie Smith, who was kidnapped in her Virginia home and raped by a stranger, the Debbie Smith DNA Backlog Grant Program authorized grant money to States to collect samples from crime scenes and convicted persons, conduct DNA analyses, and enter these results into a comprehensive national database. Debbie Smith's attacker remained unidentified for over six years, until a DNA sample collected from a convicted person serving time in a Virginia State prison revealed his involvement in her rape. Although eventually identified, the six years between crime and identification allowed Ms. Smith's attacker to engage in more criminal activity.

Reauthorization of the Debbie Smith DNA Backlog Grant Program will help law enforcement throughout the Nation. It will facilitate the development of a comprehensive national data base against which samples from current crime scenes can be compared. It will allow laboratories to reduce the currently unacceptable delays in processing DNA samples. Finally, it will provide law enforcement and prosecutors strong tools to quickly identify and prosecute criminals, minimizing the costs of investigation and prosecution, the possibility of prosecuting the wrong person and the possibility of future heinous crimes.

Recognizing that the backlog of biological evidence that had to be entered in State databases was preventing law enforcement officials from solving many of the Nation's most heinous crimes, like the tragedy that befell Debbie Smith, Congress passed the DNA "Analysis Backlog Elimination Act of 2000" (P.L. 106-546). The bill authorized the Attorney General to make grants to eligible States to collect DNA samples from convicted individuals and crime scenes for inclusion in the Federal DNA database, Combined DNA Index System (CODIS), and to increase the capacity of State crime laboratories. The act required the Bureau of Prisons and the military to collect DNA samples from convicted individuals and forward these samples for analysis, and required the FBI to expand its CODIS database to include the analyses of these DNA samples.

The act also amended the criminal code to require all defendants on probation or supervised release to cooperate with the collection of a DNA sample. The act expressed the sense of Congress that State grants should be

conditioned upon the State's agreement to ensure post-conviction DNA testing in appropriate cases; and that Congress should work with the States to improve the quality of legal representation in capital cases. Finally, the act authorized an unspecified amount of appropriations to the Attorney General to carry out the act.

In 2004, DNA backlog elimination was incorporated into the Justice for All Act of 2004", P.L. 108-405 and was renamed the Debbie Smith DNA Backlog Grant Program, which became Title II of P.L. 108-405. While the act authorized \$151 million for each fiscal year 2005-2009, Congress did not appropriate any money until FY 2008, at which time it appropriated \$147.4 million.

The Debbie Smith DNA Backlog Grant Program expires at the end of FY 2009. H.R. 5057, the "Debbie Smith Reauthorization Act," which has strong bipartisan support, would renew the law and authorize \$151 million for each fiscal year 2009-2014. H.R. 5057 specifies that not less than 40 percent of the total amount awarded in grants must be used for DNA analyses of samples from crime scenes, rape kits and other sexual assault evidence, and in cases that do not have an identified suspect.

AMENDMENT

While I support this legislation, I successfully offered an amendment at subcommittee markup. My amendment would require the Attorney General to evaluate the integrity and security of DNA collection and storage practices and procedures at a sample of crime laboratories throughout the country to determine the extent to which DNA samples are tampered with or are otherwise contaminated in such laboratories. The sample should be a representative sample and should include at least one lab from each State. My amendment would require the Attorney General to conduct this evaluation annually and the Attorney General should be required to submit the evaluation to Congress. This amendment is necessary.

In Harris County, Texas, DNA evidence was tainted and wrongfully used to convict persons based upon faulty evidence. An investigation into the crime lab in Houston revealed that bad management, under-trained staff, false documentation, and inaccurate work cast doubt on thousands of DNA based convictions. Investigators raised serious questions about the reliability of evidence in hundreds of cases they investigated and asked for further independent scrutiny and new testing to determine the extent to which individuals were wrongly convicted with faulty evidence.

My amendment ensures that Congress will exercise some oversight of the program. It will ensure the integrity and security of the DNA collection and storage and procedures. It is my hope that my amendment will minimize wrongful convictions and will make the DNA storage and collection process more reliable.

SCHIFF AMENDMENT

I note that one of my colleagues on the Subcommittee offered an amendment, Mr. SCHIFF. I do not agree with this amendment. The amendment would require that DNA be collected from all arrestees. This amendment has serious civil liberties concerns.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

Mr. SCHIFF. Mr. Speaker, the reauthorization of this important program

also provides us with an opportunity to investigate some important related issues.

From my work on this issue, I've learned that the Federal Government is unable to determine how many hits the Federal Government informs States about are actually followed up on by law enforcement. I think this data is very important for policymakers to have.

A few years ago, USA Today engaged in a comprehensive examination of DNA cases. In one case, the DNA of a convicted child molester matched DNA from an attempted sexual assault of a 10-year-old girl. Police did not contact the offender until after he had molested another 10-year-old child 6 months later.

In another case, the DNA of a career felon matched DNA left at a rape and abduction from 2001. At the time the offender was serving a prison sentence for assault. The police did not contact him until 8 months later, after he had been released from prison and only after being alerted by the rape victim, who encountered the offender by chance while walking in a local park.

These are two examples of situations where there was a match made in the Federal database. States were informed about it, but no action was taken, with tragic consequences. Therefore, I have authored a provision in this bill that would direct the Department of Justice Inspector General to investigate and report on how many CODIS database hits are actually followed up on by law enforcement, how many of those hits are ultimately brought to the attention of a prosecutor and how many go to trial.

Importantly, the report will also shed additional light on the factors that play in the event that matches were not followed up on. In particular, we asked the IG to determine the reason why matches were not pursued accordingly, and to determine the resulting impact on the criminal justice system, namely, whether other crimes were committed that could have been prevented if the matches were pursued accordingly.

Mr. HELLER of Nevada. Mr. Speaker, I rise to urge my colleagues to vote for the Debbie Smith Reauthorization Act (H.R. 5057), a bill that I cosponsored and strongly support. I appreciate the efforts of my colleague from New York, Mrs. MALONEY, in bringing this legislation and previous bills regarding DNA evidence to the House floor.

A tragic death that took place in my District early this year highlights the need for Congress to support the Debbie Smith DNA Backlog Grant Program at the U.S. Department of Justice, DOJ. As many of my colleagues know from national news reports, nineteen-year-old Brianna Denison was abducted, strangled to death, and left in a vacant field in southeast Reno. Based on DNA evidence, law enforcement determined that Brianna's murder was the work of a serial offender linked to several other attacks in the Reno area.

Like a majority of states, Nevada has experienced a significant backlog in DNA processing. At the time of Brianna's murder, more

than 3,000 samples were waiting to be processed in Nevada alone. Local law enforcement petitioned the Reno community for donations that would enable them to expedite processing of samples collected as part of Brianna's case and tackle the statewide backlog. Nevadans contributed nearly \$300,000 to eliminate the backlog of DNA samples in our State.

This significant outpouring of support demonstrates the American people's commitment to fighting crime through DNA technology. Congress should take this opportunity to mirror the priorities of those we represent. In an age where DNA technology has the potential to solve previously unsolvable crimes and quickly put violent offenders behind bars, there is no excuse for failing to equip law enforcement agencies with the tools and personnel they need to quickly process DNA.

The Debbie Smith Reauthorization Act provides a vital means of reducing the DNA evidence backlog in labs across the country. I joined 26 of my colleagues, including the author of this legislation, in sending a letter to appropriators earlier this year urging appropriators to provide full funding for the Debbie Smith DNA Backlog Grant Program. Few investments could be more important to effective law enforcement in the 21st century. The national DNA database has made matches or otherwise aided in more than 51,000 cases since its inception. While the DNA of Brianna's killer was unfortunately not detected as Nevada's samples were processed in recent months, it is quite possible that the DNA of Brianna's killer is backlogged in another state. Also worth noting is the fact that Nevada law enforcement was able to link 30 unsolved cases to known offenders as a result of eliminating our state's DNA backlog. Assuming a similar success rate nationwide, hundreds—if not thousands—of criminals could be put behind bars if law enforcement could process all DNA samples on hand. Thousands of victims and families whose cases are currently unsolved could find closure.

Ensuring that all crime-related DNA samples are entered in the nationwide database makes every community in every district safer. Supporting the Debbie Smith DNA Backlog Grant Program tells law enforcement that Congress supports their crimefighting efforts with the best technology available, and shows the American people our commitment to taking violent criminals off our streets. I strongly encourage my colleagues to support the Debbie Smith Reauthorization Act as well as efforts to provide full funding for this vital program.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 5057, the "Debbie Smith Reauthorization Act of 2008" (reauthorizing Title II of P.L. 108-405). This Act authorizes funding to eliminate the large backlogs of DNA crime scene samples awaiting testing in State forensic labs. I am in support of this bill.

In recent years, law enforcement agencies have realized the critical value that DNA evidence has in quickly solving cases. Often, a DNA sample result can scientifically link a perpetrator to a crime or prove a defendant's innocence with virtual certainty. Many of the Nation's Federal and State criminal forensics laboratories currently are overwhelmed with innumerable samples awaiting DNA analysis.

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Mr. SCHIFF. Mr. Speaker, in the absence of any further speakers, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SCHIFF) that the House suspend the rules and pass the bill, H.R. 5057, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to reauthorize the Debbie Smith DNA Backlog Grant Program, and for other purposes."

A motion to reconsider was laid on the table.

CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2008

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3218) to extend the pilot program for volunteer groups to obtain criminal history background checks.