

DEBBIE SMITH REAUTHORIZATION ACT OF 2014

APRIL 7, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLATTE, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 4323]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4323) to reauthorize programs authorized under the Debbie Smith Act of 2004, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

	Page
Purpose and Summary	1
Background and Need for the Legislation	2
Hearings	3
Committee Consideration	4
Committee Votes	4
Committee Oversight Findings	4
New Budget Authority and Tax Expenditures	4
Congressional Budget Office Cost Estimate	4
Duplication of Federal Programs	6
Disclosure of Directed Rule Makings	6
Performance Goals and Objectives	6
Advisory on Earmarks	6
Section-by-Section Analysis	7
Changes in Existing Law Made by the Bill, as Reported	7

Purpose and Summary

H.R. 4323, the “Debbie Smith Reauthorization Act of 2014,” reauthorizes the Debbie Smith DNA Backlog Grant Program at current funding levels for an additional 5 years through fiscal year 2019. Additionally, the bill reauthorizes, through fiscal year 2019, grants

made for the purposes of training and education of various law enforcement and corrections personnel, court officers, and forensic science and medical professionals in the area of DNA collection and analysis.

Background and Need for the Legislation

The Debbie Smith DNA Backlog Grant Program provides Federal grants to states to reduce the DNA backlog in criminal investigations, particularly rapes and sexual assaults. In 1989, Debbie Smith was kidnapped from her home while her husband, a police officer, was sleeping upstairs. She was dragged into the woods behind her Williamsburg, Virginia home and raped. Suicidal after the sexual assault, she lived with paralyzing fear that her unknown attacker would return to further harm her or her family.

This fear would remain with her for over 6 years, until her attacker's DNA sample was finally removed from the state's backlog and included in the national DNA database. A suspect was identified immediately and subsequently convicted and imprisoned for his crimes.

The substantial backlog of unanalyzed DNA samples in state and local evidence rooms throughout the country continues to be an important issue facing today's criminal justice system. A large number of our nation's crime laboratories do not have the capacity necessary to analyze DNA samples in an appropriate and timely fashion. Many have limited equipment resources, outdated information systems, overwhelming case management demands, and must meet significant training and certification requirements. As a result, the criminal justice system as a whole is unable to reap the full benefits of DNA technology.

DNA evidence is used to further criminal investigations and prosecutions in two ways. First, in cases where a suspect is identified, a sample of that person's DNA can be compared to evidence from the crime scene. The results of this comparison may help establish whether the suspect committed the crime. In addition, in cases where a suspect has not yet been identified, biological evidence from the crime scene can be analyzed and compared to offender profiles in the national Combined DNA Index System (CODIS) to help identify the perpetrator. Crime scene evidence can also be linked to other crime scenes through the use of DNA databases.

Currently, all states require offenders convicted of certain felonies to provide DNA samples which are entered into various law enforcement databases. A growing number of states are collecting DNA samples from those arrested for certain offenses. As a result, the importance of timely and appropriate analysis of these samples remains.

In December 2013, the Department of Justice, through the National Institute of Justice, issued a report examining the DNA backlog problem in 2011.¹ This report showed that 16% more DNA samples were received in 2011 than in 2009; and DNA backlogs increased by 9% during 2011. This despite the fact that, when compared to 2009, 10% more analyses of DNA samples were completed.

¹ MARK NELSON, RUBY CHASE & LINDSAY DEPALMA, NAT'L INST. OF JUSTICE, SPECIAL REPORT: MAKING SENSE OF DNA BACKLOGS, 2012—MYTHS VS. REALITY; Dec. 2013

The Debbie Smith program was originally authorized by the DNA Analysis Backlog Elimination Act of 2000 (P.L. 106–546, codified at 42 U.S.C. § 14135). The program was amended in 2004 by Title II of the Justice for All Act (P.L. 108–405), which expanded the scope of the program and named the program “The Debbie Smith DNA Backlog Grant Program.” Under current law, grants awarded to states and local governments under this program can be used for the following purposes:

1. To carry out DNA analyses of samples collected under applicable legal authority for inclusion in the FBI’s national DNA database;
2. To carry out DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect for inclusion in the national DNA database;
3. To increase the capacity of laboratories owned by states and local governments to carry out DNA analyses of collected samples;
4. To collect DNA samples from individuals who are required to submit samples under applicable legal authority;
5. To ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.
6. To implement a DNA arrestee collection process consistent with applicable law;
7. To conduct an audit of the samples of sexual assault evidence that are in the possession of the State or local unit of local government and are awaiting testing; and
8. To ensure that the collection and processing of DNA evidence by law enforcement agencies from crimes is carried out in an appropriate and timely manner and in accordance with specified protocols and practices.

The Attorney General is required to use a formula to distribute grant funds. Current law requires that these formulas are designed to distribute funds among eligible states and local governments in a way that maximizes the effective utilization of DNA technology to enhance public safety through solving crimes. Additionally, distributions are required to be fairly and efficiently allocated among eligible entities in jurisdictions in which significant backlogs exist.

Each state is to receive a minimum allocation of not less than 0.50% of the total amount appropriated, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125% of the total appropriation. In fiscal year 2014, Congress appropriated \$117 million for the Debbie Smith DNA Backlog Grant program. The Debbie Smith program authorization expires at the end of fiscal year 2014.

Hearings

The Committee on the Judiciary held no hearings on H.R. 4323.

Committee Consideration

On April 2, 2014, the Committee met in open session and ordered the bill H.R. 4323 favorably reported without amendment, by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 4323.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 4323, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 4, 2014.

Hon. BOB GOODLATTE, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4323, the "Debbie Smith Reauthorization Act of 2014."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley, who can be reached at 226-2850.

Sincerely,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 4323—Debbie Smith Reauthorization Act of 2014.

As ordered reported by the House Committee on the Judiciary
on April 2, 2014.

SUMMARY

H.R. 4323 would authorize the appropriation of \$968 million over the 2015–2019 period for Department of Justice (DOJ) programs to enhance the analysis of DNA samples and other work relating to criminal investigations. Assuming appropriation of the specified amounts, we estimate that implementing H.R. 4323 would cost \$644 million over the 2015–2019 period, with remaining amounts spent in subsequent years. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4323 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary effect of H.R. 4323 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2015	2016	2017	2018	2019	2015– 2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	194	194	194	194	194	968
Estimated Outlays	42	101	139	168	194	644

Note: Details may not add to totals because of rounding.

BASIS OF ESTIMATE

For this estimate, CBO assumes that the necessary amounts will be appropriated near the start of each fiscal year and that spending will follow the historical spending patterns for the existing programs.

H.R. 4323 would authorize appropriations totaling \$968 million over the 2015–2019 period for DOJ programs to enhance the analysis of DNA samples and other work relating to criminal investigations. Over that period, the bill would authorize the following amounts:

- \$151 million annually for the Debbie Smith DNA Backlog grant program;
- \$13 million annually for DOJ to make grants to state and local governments to conduct training regarding the use of DNA evidence; and

- \$30 million annually for DOJ to make grants to state and local governments and other entities for programs to collect and use DNA evidence relating to sexual assaults.

CBO estimates that spending from those authorized amounts would total \$644 million over the 2015–2019 period.

PAY-AS-YOU-GO CONSIDERATIONS:

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 4323 contains no intergovernmental or private-sector mandates as defined in UMRA. Assuming appropriation of authorized amounts, state and local governments would receive about \$640 million over the fiscal year 2015–2019 period to identify, collect, preserve, analyze, and use DNA samples. Any costs to those governments would be incurred voluntarily.

ESTIMATE PREPARED BY:

Federal Costs: Kim Cawley

Impact on State, Local, and Tribal Governments: Melissa Merrell

Impact on the Private Sector: Paige Piper/Bach

ESTIMATE APPROVED BY:

Theresa Gullo, Deputy Assistant Director for Budget Analysis

Duplication of Federal Programs

No provision of H.R. 4323 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Disclosure of Directed Rule Makings

No provision of H.R. 4323 directs a specific rule making within the meaning of 5 U.S.C. § 551.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 4323 reauthorizes, through fiscal year 2019, grants designed to reduce the backlog of untested DNA samples in state and local government possession nationwide through the Debbie Smith DNA Backlog Grant Program.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 4323 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Section 1. Short Title. This section cites the short title of the bill as the “Debbie Smith Reauthorization Act of 2014.”

Section 2. General Reauthorization. This section reauthorizes the Debbie Smith DNA Backlog Grant Program at \$151 million annually for each of the fiscal years 2015 through 2019. Additionally, rules limiting the use of such funds have been extended to include each of the fiscal years from 2014 through 2019.

Section 3. Training and Education. This section reauthorizes grants made for DNA training and education for law enforcement personnel, court officers, forensic science professionals, and corrections personnel. Appropriations are authorized in the amount of \$12.5 million annually for each of the fiscal years 2015 through 2019.

Section 4. Sexual Assault Forensic Exam Grants. This section reauthorizes grants made for DNA training, technical assistance, education, equipment and information relating to the collection, preservation, and use of DNA samples and evidence by various medical and other personnel. Appropriations are authorized in the amount of \$30 million annually for each of the fiscal years 2015 through 2019.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

* * * * *

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

(a) * * *

* * * * *

(c) FORMULA FOR DISTRIBUTION OF GRANTS.—

(1) * * *

* * * * *

(3) LIMITATION.—Grant amounts distributed under paragraph (1) shall be awarded to conduct DNA analyses of samples from casework or from victims of crime under subsection (a)(2) in accordance with the following limitations:

(A) * * *

(B) For each of the fiscal years [2010 through 2018] 2014 through 2019, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).

(C) For each of fiscal years 2014 through [2018] 2019, not less than 75 percent of the total grant amounts shall

be awarded for a combination of purposes under paragraphs (1), (2), and (3) of subsection (a).

* * * * *

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsection (a) \$151,000,000 for each of fiscal years **2009 through 2014** *2015 through 2019*.

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DNA SEXUAL ASSAULT JUSTICE ACT OF 2004

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TITLE III—DNA SEXUAL ASSAULT JUSTICE ACT OF 2004

* * * * *

SEC. 303. DNA TRAINING AND EDUCATION FOR LAW ENFORCEMENT, CORRECTIONAL PERSONNEL, AND COURT OFFICERS.

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$12,500,000 for each of fiscal years **2009 through 2014** *2015 through 2019* to carry out this section.

SEC. 304. SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.

(a) * * *

* * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$30,000,000 for each of fiscal years **2009 through 2014** *2015 through 2019* to carry out this section.

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