

**AMENDMENT TO H.R. 4970, AS REPORTED  
OFFERED BY MS. JACKSON LEE OF TEXAS**

Page 69, strike lines 15 through 24 and insert the following:

1 **SEC. 108. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL**  
2 **ASSAULT EVIDENCE BACKLOGS.**

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

5 (1) in subsection (a), by adding at the end the  
6 following new paragraph:

7 “(6) To conduct an audit consistent with sub-  
8 section (n) of the samples of sexual assault evidence  
9 that are in the possession of the State or unit of  
10 local government and are awaiting testing.

11 “(7) To ensure that the collection and proc-  
12 essing of DNA evidence from crimes, including sex-  
13 ual assault and other serious violent crimes, is car-  
14 ried out in an appropriate and timely manner.

15 “(8) To ensure effective communication among  
16 emergency response providers, law enforcement per-  
17 sonnel, prosecutors, courts, defense counsel, crime  
18 laboratory personnel, and crime victims regarding  
19 the status of crime scene evidence to be tested.”;

1 (2) in subsection (c)(3)(B)—

2 (A) by striking “2014” and inserting  
3 “2017”; and

4 (B) by striking “40” and inserting “70”;  
5 and

6 (3) by adding at the end the following new sub-  
7 sections:

8 “(n) USE OF FUNDS FOR AUDITING SEXUAL AS-  
9 SAULT EVIDENCE BACKLOGS.—

10 “(1) ELIGIBILITY.—The Attorney General may  
11 award a grant under this section to a State or unit  
12 of local government for the purpose described in  
13 subsection (a)(6) only if the State or unit of local  
14 government—

15 “(A) submits a plan for performing the  
16 audit of samples described in such subsection;  
17 and

18 “(B) includes in such plan a good-faith es-  
19 timate of the number of such samples.

20 “(2) GRANT CONDITIONS.—A State or unit of  
21 local government receiving a grant for the purpose  
22 described in subsection (a)(6) shall, not later than 1  
23 year after receiving such grant, complete the audit  
24 described in paragraph (1)(A) in accordance with  
25 the plan submitted under such paragraph.

1           “(3) EXTENSION OF INITIAL DEADLINE.—The  
2 Attorney General may grant an extension of the  
3 deadline under paragraph (2)(A) to a State or unit  
4 of local government that demonstrates that more  
5 time is required for compliance with such paragraph.

6           “(4) DEFINITIONS.—In this subsection:

7           “(A) AWAITING TESTING.—The term  
8 ‘awaiting testing’ means, with respect to a sam-  
9 ple of sexual assault evidence, that—

10           “(i) the sample has been collected and  
11 is in the possession of a State or unit of  
12 local government;

13           “(ii) DNA and other appropriate fo-  
14 rensic analyses have not been performed on  
15 such sample; and

16           “(iii) the sample is related to a crimi-  
17 nal case or investigation in which final dis-  
18 position has not yet been reached.

19           “(B) POSSESSION.—

20           “(i) IN GENERAL.—The term ‘posses-  
21 sion’, used with respect to possession of a  
22 sample of sexual assault evidence by a  
23 State or unit of local government, includes  
24 possession by an individual who is acting  
25 as an agent of the State or unit of local

1 government for the collection of the sam-  
2 ple.

3 “(ii) RULE OF CONSTRUCTION.—  
4 Nothing in clause (i) shall be construed to  
5 create or amend any Federal rights or  
6 privileges for non-governmental vendor lab-  
7 oratories described in regulations promul-  
8 gated under section 210303 of the DNA  
9 Identification Act of 1994 (42 U.S.C.  
10 14131).

11 “(o) DEVELOPMENT OF PROTOCOLS AND PRAC-  
12 TICES.—

13 “(1) PROTOCOLS AND PRACTICES.—Not later  
14 24 than 18 months after the date of enactment of  
15 the Violence Against Women Reauthorization Act of  
16 2012, the Director of the National Institutes of Jus-  
17 tice, in consultation with Federal, State, and local  
18 government laboratories and law enforcement agen-  
19 cies, shall develop and publish a description of proto-  
20 cols and practices the Director considers appropriate  
21 for the accurate, timely, and effective collection and  
22 processing of DNA evidence, including protocols and  
23 practices specific to sexual assault cases, which shall  
24 address appropriate steps in the investigation of  
25 cases that might involve DNA evidence.

1           “(2) TECHNICAL ASSISTANCE AND TRAINING.—

2           The Director shall make available technical assist-  
3           ance and training to support States and units of  
4           local government in adopting and implementing the  
5           protocols and practices developed under paragraph  
6           (1) on and after the date on which the protocols and  
7           practices are published.

8           “(3) DEFINITION OF BACKLOG FOR DNA CASE  
9           WORK.—The Director shall develop and publish a  
10          definition of the term ‘backlog for DNA case work’  
11          for purposes of this section—

12                   “(A) taking into consideration the different  
13                   stages at which a backlog may develop, includ-  
14                   ing the investigation and prosecution of a crime  
15                   by law enforcement personnel, prosecutors, and  
16                   others, and the laboratory analysis of crime  
17                   scene samples; and

18                   “(B) which may include different criteria  
19                   or thresholds for the different stages.

20          “(p) AUTHORIZATION OF APPROPRIATIONS.—There  
21          are authorized to be appropriated to the Attorney General  
22          for grants under this section \$151,000,000 for each of fis-  
23          cal years 2013 through 2017.”.

