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October 28, 2008

The Honorable Michael Mukasey
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Mr. Attorney General,

I am writing to you about my strong concerns with recent reports in the media about the manner in which funding appropriated for the Debbie Smith DNA Backlog Elimination Program is being spent by state and local crime labs.

As you know, I first sponsored "The Debbie Smith Act" in 2001, and this legislation was signed into law in October 2004. Just this month, the president signed into law the reauthorization of this valuable DNA backlog elimination program. Under the law, \$151,000,000 may be appropriated each fiscal year for the purpose of eliminating the backlog of DNA evidence nationwide and to ensure that the testing of DNA evidence is conducted in a timely manner.

However, a recent article by *The New York Times* ("Progress is Minimal in Clearing DNA Cases," October 25, 2008) raises serious questions about the effectiveness of the funding disbursed by the Department of Justice for the purposes of this program by the grantees. According to the article, some state and local labs and local law enforcement agencies are not meeting spending goals or reducing their backlogs of unprocessed DNA evidence. Because these labs and agencies are not using all the money disbursed to them, according to *The New York Times*, DoJ is then cutting or keeping the level of funding constant in subsequent years.


I know we share the goal of processing DNA evidence so that criminals are put in prison and victims receive the justice they deserve. Therefore, I would like to know what efforts DoJ is making to ensure that the funding disbursed under the Debbie Smith DNA Backlog Elimination Program is being used effectively. Are audits and reviews conducted to measure the evidence processed compared with how much evidence a grantee estimated it would process? Is a grantee's performance in processing DNA evidence taken into account when determining the amount of future grants? Are potential grantees fully informed about how the Debbie Smith DNA Backlog Elimination Program funding may be spent? How much of the appropriated funding by Congress in each fiscal year has gone to administrative costs in managing the

program rather than for grants to process the backlog?

I am committed to ensuring that Congress's intent is carried out in the administration of the Debbie Smith DNA Backlog Elimination Program, and the nation's crime victims deserve nothing less.

Thank you for attention to this matter.

Sincerely,


CAROLYN B. MALONEY
Member of Congress