

106TH CONGRESS
2D SESSION

S. 3045

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 2000

Referred to the Committee on the Judiciary

AN ACT

To improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Paul Coverdell Na-
5 tional Forensic Sciences Improvement Act of 2000”.

1 **SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND**
2 **CREDIBILITY OF FORENSIC SCIENCE SERV-**
3 **ICES FOR CRIMINAL JUSTICE PURPOSES.**

4 (a) DESCRIPTION OF DRUG CONTROL AND SYSTEM
5 IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title
6 I of the Omnibus Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 375(b)) is amended—

8 (1) in paragraph (25), by striking “and” at the
9 end;

10 (2) in paragraph (26), by striking the period at
11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(27) improving the quality, timeliness, and credi-
14 bility of forensic science services for criminal justice pur-
15 poses.”.

16 (b) STATE APPLICATIONS.—Section 503(a) of title I
17 of the Omnibus Crime Control and Safe Streets Act of
18 1968 (42 U.S.C. 3753(a)) is amended by adding at the
19 end the following:

20 “(13) If any part of the amount received from a grant
21 under this part is to be used to improve the quality, timeli-
22 ness, and credibility of forensic science services for crimi-
23 nal justice purposes, a certification that, as of the date
24 of enactment of this paragraph, the State, or unit of local
25 government within the State, has an established—

1 “(A) forensic science laboratory or forensic
2 science laboratory system, that—

3 “(i) employs 1 or more full-time
4 scientists—

5 “(I) whose principal duties are the ex-
6 amination of physical evidence for law en-
7 forcement agencies in criminal matters;
8 and

9 “(II) who provide testimony with re-
10 spect to such physical evidence to the
11 criminal justice system;

12 “(ii) employs generally accepted practices
13 and procedures, as established by appropriate
14 accrediting organizations; and

15 “(iii) is accredited by the Laboratory Ac-
16 creditation Board of the American Society of
17 Crime Laboratory Directors or the National As-
18 sociation of Medical Examiners, or will use a
19 portion of the grant amount to prepare and
20 apply for such accreditation by not later than 2
21 years after the date on which a grant is initially
22 awarded under this paragraph; or

23 “(B) medical examiner’s office (as defined by
24 the National Association of Medical Examiners)
25 that—

1 “(i) employs generally accepted practices
2 and procedures, as established by appropriate
3 accrediting organizations; and

4 “(ii) is accredited by the Laboratory Ac-
5 creditation Board of the American Society of
6 Crime Laboratory Directors or the National As-
7 sociation of Medical Examiners, or will use a
8 portion of the grant amount to prepare and
9 apply for such accreditation by not later than 2
10 years after the date on which a grant is initially
11 awarded under this paragraph.”.

12 (c) PAUL COVERDELL FORENSIC SCIENCES IM-
13 PROVEMENT GRANTS.—

14 (1) IN GENERAL.—Title I of the Omnibus
15 Crime Control and Safe Streets Act of 1968 (42
16 U.S.C. 3711 et seq.) is amended by adding at the
17 end the following:

18 **“PART BB—PAUL COVERDELL FORENSIC**
19 **SCIENCES IMPROVEMENT GRANTS**

20 **“SEC. 2801. GRANT AUTHORIZATION.**

21 “The Attorney General shall award grants to States
22 in accordance with this part.

23 **“SEC. 2802. APPLICATIONS.**

24 “To request a grant under this part, a State shall
25 submit to the Attorney General—

1 “(1) a certification that the State has developed
2 a consolidated State plan for forensic science labora-
3 tories operated by the State or by other units of
4 local government within the State under a program
5 described in section 2804(a), and a specific descrip-
6 tion of the manner in which the grant will be used
7 to carry out that plan;

8 “(2) a certification that any forensic science
9 laboratory system, medical examiner’s office, or
10 coroner’s office in the State, including any labora-
11 tory operated by a unit of local government within
12 the State, that will receive any portion of the grant
13 amount uses generally accepted laboratory practices
14 and procedures, established by accrediting organiza-
15 tions; and

16 “(3) a specific description of any new facility to
17 be constructed as part of the program described in
18 paragraph (1), and the estimated costs of that facil-
19 ity, and a certification that the amount of the grant
20 used for the costs of the facility will not exceed the
21 limitations set forth in section 2804(c).

22 **“SEC. 2803. ALLOCATION.**

23 “(a) IN GENERAL.—

24 “(1) POPULATION ALLOCATION.—Seventy-five
25 percent of the amount made available to carry out

1 this part in each fiscal year shall be allocated to
2 each State that meets the requirements of section
3 2802 so that each State shall receive an amount
4 that bears the same ratio to the 75 percent of the
5 total amount made available to carry out this part
6 for that fiscal year as the population of the State
7 bears to the population of all States.

8 “(2) DISCRETIONARY ALLOCATION.—Twenty-
9 five percent of the amount made available to carry
10 out this part in each fiscal year shall be allocated
11 pursuant to the Attorney General’s discretion to
12 States with above average rates of part 1 violent
13 crimes based on the average annual number of part
14 1 violent crimes reported by such State to the Fed-
15 eral Bureau of Investigation for the 3 most recent
16 calendar years for which such data is available.

17 “(3) MINIMUM REQUIREMENT.—Each State
18 shall receive not less than 0.6 percent of the amount
19 made available to carry out this part in each fiscal
20 year.

21 “(4) PROPORTIONAL REDUCTION.—If the
22 amounts available to carry out this part in each fis-
23 cal year are insufficient to pay in full the total pay-
24 ment that any State is otherwise eligible to receive
25 under paragraph (3), then the Attorney General

1 shall reduce payments under paragraph (1) for such
 2 payment period to the extent of such insufficiency.
 3 Reductions under the preceding sentence shall be al-
 4 located among the States (other than States whose
 5 payment is determined under paragraph (3)) in the
 6 same proportions as amounts would be allocated
 7 under paragraph (1) without regard to paragraph
 8 (3).

9 “(b) STATE DEFINED.—In this section, the term
 10 ‘State’ means each of the several States, the District of
 11 Columbia, the Commonwealth of Puerto Rico, the Virgin
 12 Islands, American Samoa, Guam, and the Commonwealth
 13 of the Northern Mariana Islands, except that—

14 “(1) for purposes of the allocation under this
 15 section, American Samoa and the Commonwealth of
 16 the Northern Mariana Islands shall be considered as
 17 1 State; and

18 “(2) for purposes of paragraph (1), 67 percent
 19 of the amount allocated shall be allocated to Amer-
 20 ican Samoa, and 33 percent shall be allocated to the
 21 Commonwealth of the Northern Mariana Islands.

22 **“SEC. 2804. USE OF GRANTS.**

23 “(a) IN GENERAL.—A State that receives a grant
 24 under this part shall use the grant to carry out all or a
 25 substantial part of a program intended to improve the

1 quality and timeliness of forensic science or medical exam-
2 iner services in the State, including such services provided
3 by the laboratories operated by the State and those oper-
4 ated by units of local government within the State.

5 “(b) PERMITTED CATEGORIES OF FUNDING.—Sub-
6 ject to subsections (c) and (d), a grant awarded under this
7 part—

8 “(1) may only be used for program expenses re-
9 lating to facilities, personnel, computerization, equip-
10 ment, supplies, accreditation and certification, edu-
11 cation, and training; and

12 “(2) may not be used for any general law en-
13 forcement or nonforensic investigatory function.

14 “(c) FACILITIES COSTS.—

15 “(1) STATES RECEIVING MINIMUM GRANT
16 AMOUNT.—With respect to a State that receives a
17 grant under this part in an amount that does not
18 exceed 0.6 percent of the total amount made avail-
19 able to carry out this part for a fiscal year, not more
20 than 80 percent of the total amount of the grant
21 may be used for the costs of any new facility con-
22 structed as part of a program described in sub-
23 section (a).

24 “(2) OTHER STATES.—With respect to a State
25 that receives a grant under this part in an amount

1 that exceeds 0.6 percent of the total amount made
2 available to carry out this part for a fiscal year—

3 “(A) not more than 80 percent of the
4 amount of the grant up to that 0.6 percent may
5 be used for the costs of any new facility con-
6 structed as part of a program described in sub-
7 section (a); and

8 “(B) not more than 40 percent of the
9 amount of the grant in excess of that 0.6 per-
10 cent may be used for the costs of any new facil-
11 ity constructed as part of a program described
12 in subsection (a).

13 “(d) ADMINISTRATIVE COSTS.—Not more than 10
14 percent of the total amount of a grant awarded under this
15 part may be used for administrative expenses.

16 **“SEC. 2805. ADMINISTRATIVE PROVISIONS.**

17 “(a) REGULATIONS.—The Attorney General may pro-
18 mulgate such guidelines, regulations, and procedures as
19 may be necessary to carry out this part, including guide-
20 lines, regulations, and procedures relating to the submis-
21 sion and review of applications for grants under section
22 2802.

23 “(b) EXPENDITURE RECORDS.—

24 “(1) RECORDS.—Each State, or unit of local
25 government within the State, that receives a grant

1 under this part shall maintain such records as the
2 Attorney General may require to facilitate an effective
3 audit relating to the receipt of the grant, or the
4 use of the grant amount.

5 “(2) ACCESS.—The Attorney General and the
6 Comptroller General of the United States, or a designee
7 thereof, shall have access, for the purpose of
8 audit and examination, to any book, document, or
9 record of a State, or unit of local government within
10 the State, that receives a grant under this part, if,
11 in the determination of the Attorney General, Comptroller
12 General, or designee thereof, the book, document,
13 or record is related to the receipt of the grant,
14 or the use of the grant amount.

15 **“SEC. 2806. REPORTS.**

16 “(a) REPORTS TO ATTORNEY GENERAL.—For each
17 fiscal year for which a grant is awarded under this part,
18 each State that receives such a grant shall submit to the
19 Attorney General a report, at such time and in such manner
20 as the Attorney General may reasonably require,
21 which report shall include—

22 “(1) a summary and assessment of the program
23 carried out with the grant;

24 “(2) the average number of days between sub-
25 mission of a sample to a forensic science laboratory

1 or forensic science laboratory system in that State
2 operated by the State or by a unit of local govern-
3 ment and the delivery of test results to the request-
4 ing office or agency; and

5 “(3) such other information as the Attorney
6 General may require.

7 “(b) REPORTS TO CONGRESS.—Not later than 90
8 days after the last day of each fiscal year for which 1 or
9 more grants are awarded under this part, the Attorney
10 General shall submit to the Speaker of the House of Rep-
11 resentatives and the President pro tempore of the Senate,
12 a report, which shall include—

13 “(1) the aggregate amount of grants awarded
14 under this part for that fiscal year; and

15 “(2) a summary of the information provided
16 under subsection (a).”.

17 (2) AUTHORIZATION OF APPROPRIATIONS.—

18 (A) IN GENERAL.—Section 1001(a) of title
19 I of the Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3753(a)) is
21 amended by adding at the end the following:

22 “(24) There are authorized to be appropriated
23 to carry out part BB, to remain available until
24 expended—

25 “(A) \$35,000,000 for fiscal year 2001;

1 “(B) \$85,400,000 for fiscal year 2002;
 2 “(C) \$134,733,000 for fiscal year 2003;
 3 “(D) \$128,067,000 for fiscal year 2004;
 4 “(E) \$56,733,000 for fiscal year 2005; and
 5 “(F) \$42,067,000 for fiscal year 2006.”.

6 (B) BACKLOG ELIMINATION.—There is au-
 7 thorized to be appropriated \$30,000,000 for fis-
 8 cal year 2001 for the elimination of DNA con-
 9 victed offender database sample backlogs and
 10 for other related purposes, as provided in the
 11 Departments of Commerce, Justice, and State,
 12 the Judiciary, and Related Agencies Appropria-
 13 tions Act, 2001.

14 (3) TABLE OF CONTENTS.—Title I of the Om-
 15 nibus Crime Control and Safe Streets Act of 1968
 16 (42 U.S.C. 3711 et seq.) is amended by striking the
 17 table of contents.

18 (4) REPEAL OF 20 PERCENT FLOOR FOR CITA
 19 CRIME LAB GRANTS.—Section 102(e)(2) of the
 20 Crime Identification Technology Act of 1998 (42
 21 U.S.C. 14601(e)(2)) is amended—

22 (A) in subparagraph (B), by adding “and”
 23 at the end; and

1 (B) by striking subparagraph (C) and re-
2 designating subparagraph (D) as subparagraph
3 (C).

4 **SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.**

5 (a) IN GENERAL.—Section 983(a)(2)(C)(ii) of title
6 18, United States Code, is amended by striking “(and pro-
7 vide customary documentary evidence of such interest if
8 available) and state that the claim is not frivolous”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall take effect as if included in the amend-
11 ment made by section 2(a) of Public Law 106–185.

12 **SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION**
13 **OF GRANTEE STATES TO ENSURE ACCESS TO**
14 **POST-CONVICTION DNA TESTING AND COM-**
15 **PETENT COUNSEL IN CAPITAL CASES.**

16 (a) FINDINGS.—Congress finds that—

17 (1) over the past decade, deoxyribonucleic acid
18 testing (referred to in this section as “DNA test-
19 ing”) has emerged as the most reliable forensic tech-
20 nique for identifying criminals when biological mate-
21 rial is left at a crime scene;

22 (2) because of its scientific precision, DNA test-
23 ing can, in some cases, conclusively establish the
24 guilt or innocence of a criminal defendant;

1 (3) in other cases, DNA testing may not con-
2 clusively establish guilt or innocence, but may have
3 significant probative value to a finder of fact;

4 (4) DNA testing was not widely available in
5 cases tried prior to 1994;

6 (5) new forensic DNA testing procedures have
7 made it possible to get results from minute samples
8 that could not previously be tested, and to obtain
9 more informative and accurate results than earlier
10 forms of forensic DNA testing could produce, result-
11 ing in some cases of convicted inmates being exoner-
12 ated by new DNA tests after earlier tests had failed
13 to produce definitive results;

14 (6) DNA testing can and has resulted in the
15 post-conviction exoneration of more than 75 inno-
16 cent men and women, including some under sentence
17 of death;

18 (7) in more than a dozen cases, post-conviction
19 DNA testing that has exonerated an innocent person
20 has also enhanced public safety by providing evi-
21 dence that led to the apprehension of the actual per-
22 petrator;

23 (8) experience has shown that it is not unduly
24 burdensome to make DNA testing available to in-
25 mates in appropriate cases;

1 (9) under current Federal and State law, it is
2 difficult to obtain post-conviction DNA testing be-
3 cause of time limits on introducing newly discovered
4 evidence;

5 (10) the National Commission on the Future of
6 DNA Evidence, a Federal panel established by the
7 Department of Justice and comprised of law en-
8 forcement, judicial, and scientific experts, has urged
9 that post-conviction DNA testing be permitted in the
10 relatively small number of cases in which it is appro-
11 priate, notwithstanding procedural rules that could
12 be invoked to preclude such testing, and notwith-
13 standing the inability of an inmate to pay for the
14 testing;

15 (11) only a few States have adopted post-con-
16 viction DNA testing procedures;

17 (12) States have received millions of dollars in
18 DNA-related grants, and more funding is needed to
19 improve State forensic facilities and to reduce the
20 nationwide backlog of DNA samples from convicted
21 offenders and crime scenes that need to be tested or
22 retested using upgraded methods;

23 (13) States that accept such financial assist-
24 ance should not deny the promise of truth and jus-

1 tice for both sides of our adversarial system that
2 DNA testing offers;

3 (14) post-conviction DNA testing and other
4 post-conviction investigative techniques have shown
5 that innocent people have been sentenced to death in
6 this country;

7 (15) a constitutional error in capital cases is in-
8 competent defense lawyers who fail to present impor-
9 tant evidence that the defendant may have been in-
10 nocent or does not deserve to be sentenced to death;
11 and

12 (16) providing quality representation to defend-
13 ants facing loss of liberty or life is essential to fun-
14 damental due process and the speedy final resolution
15 of judicial proceedings.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) Congress should condition forensic science-
19 related grants to a State or State forensic facility on
20 the State’s agreement to ensure post-conviction
21 DNA testing in appropriate cases; and

22 (2) Congress should work with the States to im-
23 prove the quality of legal representation in capital
24 cases through the establishment of standards that
25 will assure the timely appointment of competent

1 counsel with adequate resources to represent defend-
2 ants in capital cases at each stage of the pro-
3 ceedings.

Passed the Senate October 26 (legislative day, Sep-
tember 22), 2000.

Attest:

GARY SISCO,
Secretary.