

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 359, nays 11, not voting 62, as follows:

[Roll No. 601]

YEAS—359

Abercrombie	Crowley	Hefley
Aderholt	Cubin	Heger
Allen	Cummings	Hill (IN)
Andrews	Cunningham	Hilleary
Baca	Davis (FL)	Hilliard
Bachus	Davis (VA)	Hinchey
Baker	Deal	Hinojosa
Baldacci	DeGette	Hobson
Baldwin	Delahunt	Hoefel
Ballenger	DeLauro	Hoekstra
Barcia	DeLay	Holden
Barrett (NE)	DeMint	Holt
Barrett (WI)	Deutsch	Hooley
Bartlett	Dicks	Horn
Bass	Doggett	Hostettler
Becerra	Dooley	Houghton
Bentsen	Doolittle	Hoyer
Bereuter	Doyle	Hulshof
Berkley	Dreier	Hunter
Berman	Duncan	Hyde
Berry	Dunn	Inlee
Biggert	Edwards	Isakson
Bilirakis	Ehlers	Jackson (IL)
Bishop	Ehrlich	Jackson-Lee
Bliley	Engel	(TX)
Blumenauer	English	Jefferson
Blunt	Eshoo	Jenkins
Boehler	Etheridge	John
Boehner	Evans	Johnson (CT)
Bonilla	Everett	Johnson, E.B.
Borski	Ewing	Johnson, Sam
Boswell	Farr	Jones (NC)
Boyd	Fattah	Jones (OH)
Brady (PA)	Fletcher	Kanjorski
Brady (TX)	Foley	Kaptur
Brown (FL)	Forbes	Kelly
Brown (OH)	Ford	Kennedy
Burr	Fowler	Kildee
Burton	Frank (MA)	Kilpatrick
Buyer	Franks (NJ)	Klecza
Callahan	Frelinghuysen	Klink
Calvert	Frost	Knollenberg
Camp	Ganske	Kolbe
Campbell	Gejdenson	Kucinich
Canady	Gekas	Kuykendall
Cannon	Gephardt	LaFalce
Capps	Gibbons	LaHood
Cardin	Gilchrest	Lampson
Carson	Gilman	Larson
Castle	Gonzalez	Latham
Chabot	Goode	Lazio
Chambliss	Goodlatte	Leach
Clayton	Goodling	Lee
Clement	Gordon	Levin
Clyburn	Goss	Lewis (CA)
Coble	Green (WI)	Lewis (GA)
Collins	Greenwood	Lewis (KY)
Combest	Gutierrez	Linder
Condit	Gutknecht	LoBiondo
Conyers	Hall (OH)	Lofgren
Cook	Hall (TX)	Lowe
Cooksey	Hansen	Lucas (KY)
Cox	Hastings (FL)	Lucas (OK)
Coyne	Hastings (WA)	Luther
Cramer	Hayes	Maloney (CT)
Crane	Hayworth	Maloney (NY)

Manzullo	Phelps	Smith (WA)
Markey	Pickering	Snyder
Mascara	Pitts	Souder
Matsui	Pombo	Spence
McCarthy (MO)	Pomeroy	Spratt
McCollum	Porter	Stabenow
McDermott	Portman	Stearns
McGovern	Pryce (OH)	Stenholm
McHugh	Quinn	Strickland
McInnis	Radanovich	Stump
McIntosh	Rahall	Sununu
McIntyre	Ramstad	Sweeney
McKeon	Rangel	Tancredo
McKinney	Regula	Tanner
McNulty	Reyes	Tauscher
Meehan	Reynolds	Tauzin
Meek (FL)	Riley	Taylor (MS)
Meeks (NY)	Rivers	Terry
Menendez	Rodriguez	Thomas
Metcalf	Roemer	Thompson (CA)
Mica	Rogers	Thornberry
Millender-	Rohrabacher	Thune
McDonald	Rothman	Thurman
Minge	Roukema	Tiahrt
Mink	Roybal-Allard	Tierney
Moakley	Royce	Toomey
Mollohan	Ryun (KS)	Trafigant
Moore	Sabo	Turner
Moran (KS)	Salmon	Udall (CO)
Moran (VA)	Sanchez	Udall (NM)
Morella	Sanders	Upton
Murtha	Sandlin	Velazquez
Myrick	Sawyer	Vitter
Nadler	Saxton	Walden
Napolitano	Schaffer	Walsh
Neal	Schakowsky	Wamp
Nethercutt	Scott	Waters
Northup	Sensenbrenner	Watkins
Norwood	Serrano	Watt (NC)
Nussle	Sessions	Watts (OK)
Oberstar	Shadegg	Waxman
Obey	Shaw	Weiner
Olver	Shays	Weldon (FL)
Ortiz	Sherman	Weldon (PA)
Ose	Sherwood	Weller
Owens	Shimkus	Wexler
Oxley	Shows	Weygand
Pallone	Shuster	Whitfield
Pascarella	Simpson	Wilson
Pastor	Sisisky	Wolf
Payne	Skeen	Wu
Pease	Skelton	Wynn
Pelosi	Slaughter	Young (FL)
Peterson (MN)	Smith (NJ)	
Petri	Smith (TX)	

NAYS—11

Baird	Dingell	Stupak
Barton	Miller, George	Visclosky
Bonior	Paul	Woolsey
Capuano	Stark	

NOT VOTING—62

Ackerman	Fossella	Miller, Gary
Archer	Galleghy	Ney
Armey	Gillmor	Packard
Barr	Graham	Peterson (PA)
Bilbray	Granger	Pickett
Blagojevich	Green (TX)	Price (NC)
Bono	Hill (MT)	Rogan
Boucher	Hutchinson	Ros-Lehtinen
Bryant	Istook	Rush
Chenoweth-Hage	Kasich	Ryan (WI)
Clay	Kind (WI)	Sanford
Coburn	King (NY)	Scarborough
Costello	Kingston	Smith (MI)
Danner	Lantos	Talent
Davis (IL)	Largent	Taylor (NC)
DeFazio	LaTourette	Thompson (MS)
Diaz-Balart	Lipinski	Towns
Dickey	Martinez	Wicker
Dixon	McCarthy (NY)	Wise
Emerson	McCrery	Young (AK)
Filner	Miller (FL)	

□ 1504

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 601, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

Mr. KIND. Mr. Speaker, on rollcall No. 601, unfortunately, due to an unavoidable weather delay I missed today's rollcall vote. Had I been present, I would have voted "yea."

□

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 3045) to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Virginia will state his parliamentary inquiry.

Mr. SCOTT. Mr. Speaker, was the request just to have the bill considered?

The SPEAKER pro tempore. The gentleman from Florida (Mr. MCCOLLUM) asked unanimous consent to discharge the Committee from further consideration of S. 3045 and to pass the bill in the House.

Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. MCCOLLUM) to explain the purpose of his motion.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the bill, S. 3045, is the Paul Coverdell National Forensic Science Improvement Act of 2000. It was introduced by Senator JEFF SESSIONS in the other body as a tribute to the late Senator Paul Coverdell. Senator Coverdell had introduced similar legislation earlier this Congress but did not live to see it acted upon. S. 3045 passed the other body by unanimous consent last Thursday.

S. 3045 is similar to a bill, H.R. 2340, introduced in the House by the gentleman from Georgia (Mr. BISHOP). It addresses the most pressing problems facing law enforcement today, the critical backlog of work in our State crime labs.

The crisis in our forensic labs is acute. According to a report issued in February by the Bureau of Justice Statistics, as of December 1997, 69 percent of State crime labs reported backlogs in the analysis of DNA samples alone. And of course, these backlogs also affect all types of evidence being prepared for trial.

The delays in conducting autopsies and crime scene evidence often delay the trial of a case, which means that victims have to suffer longer waits for justice to be done. And it also means

that a defendant who is innocent has to wait longer to prove their innocence. In cases where DNA evidence from a crime where there is no suspect can be matched to an offender in the national database of DNA samples from convicted offenders, any delay in conducting this analysis may allow the perpetrator to remain at large and free to commit more crimes.

We need to help our State labs increase their capacity to conduct forensic testing and to hire and train more people to do this work. The Coverdell Act authorizes \$512 million over 6 years to fund facilities, equipment, training, and accreditation for State and local crime labs across America. Seventy-five percent of the funds will be distributed to the States based on population, and 25 percent will be distributed by the Attorney General to high crime areas. To ensure that small States get their fair share of the funding, the act requires that each State receive a minimum of at least 0.6 percent of the total appropriated each year.

The bill expands the list of permitted uses of the Federal crime-fighting Byrne grants to allow States to use those funds to improving the quality, timeliness, and credibility of forensic science services, including DNA, blood, and ballistics tests. The act requires States to develop a plan outlining the manner in which the grants will be used to improve forensic services provided by State and local crime labs and limits administrative expenditures to 10 percent of the grant amount. And the act adds a reporting requirement so that the backlog reduction can be documented and tracked. We need to know how these grants are impacting backlogs in each State.

The bill also includes two provisions unrelated to forensic science grants. One clarifies a provision of the Civil Asset Forfeiture Act passed into law earlier this Congress. The other provision expresses a sense of the Congress regarding the use of DNA samples in certain cases. I support both provisions.

Mr. Speaker, numerous law enforcement organizations support the bill, including the American Society of Crime Laboratory Directors, the American Academy of Forensic Sciences, the National Association of Medical Examiners, the International Association of Police Chiefs, the Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, and the National Association of Counties.

This act will clear the crippling backlogs in the forensic labs. In turn, it will help exonerate the innocent, convict the guilty, and restore confidence in our criminal justice system. It is an important bill, and I certainly urge my colleagues to support it.

Mr. SCOTT. Mr. Speaker, further reserving the right to object, I yield to the distinguished gentleman from Georgia (Mr. BISHOP), who has worked extremely hard on this particular legislation.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Paul Coverdell National Forensic Sciences Improvement Act. This bill covers issues that Senator Coverdell and I feel very, very strongly about. In fact, this bill will address concerns that almost every major law enforcement agency in the United States has a concern with. We hope that, by passage of this, that we will take another step forward in crime control and in our ability to move cases throughout our court system.

Today we are responding to law enforcement and criminal justice professionals from Georgia and throughout much of the country who have called on Congress to help them overcome the alarming shortages in forensic science resource that confront our States and communities.

These shortages in personnel, in modern equipment and lab space, in technology and computerization, in education and training have created what has been accurately described as a "choke point" in the country's system of justice.

□ 1515

Due to the lack of adequate resources, nearly 70 percent of the 600 State and community forensic laboratories, medical examiner's offices, and coroner's offices are experiencing major backlogs in their forensic caseloads. In 8 out of every 10 labs, the forensic caseloads are increasing much faster than their budgets.

These conditions have caused major delays, preventing the timely conviction of the guilty and exoneration of the innocent. These delays can be devastating to individuals and families, and dangerous for society at large. There are instances where suspects of violent offenses had to be freed because DNA testing could not get done.

Several years ago, the States' Coalition was formed among State law enforcement agency directors that took the lead in addressing the crisis. The director of the Georgia Bureau of Investigation, Buddy Nix, has been in the forefront of this effort which has the support of the entire criminal justice community. While calling on States to do as much as possible to alleviate the shortages, the coalition has also pointed out that this is a problem of national concern. And it is appropriate for the Federal Government to contribute to the solution.

The result is the National Forensic Sciences Improvement Act which I, a Democrat, and the late Paul Coverdell, a Republican, introduced in our respective Chambers, backed by strong bipartisan cosponsorship. Following the tragic loss of Senator Coverdell, the sponsors dedicated this measure in memory of our esteemed friend and colleague from Georgia.

This proposal simply provides block grants to States. To my knowledge, there is no real opposition to the bill's

merits. The only question is whether it will be given the priority treatment many of us believe it deserves. Will a new program such as this be among those that prevail in the competition for limited Federal dollars?

The Senate has answered that question, and today the House gives its answer, which I anticipate will be a resounding "yes."

Some people say the need to put more resources into the fight against crime is not as great as it was a few years ago. It is certainly true that FBI surveys show that the overall crime rate has steadily declined as a result of many factors, including a growing economy, tougher sentences, greater public awareness and involvement, and the high professionalism of today's criminal justice professionals. But it would be premature to declare victory.

Although the crime rate is falling, it is true that one out of every four American families is still victimized every year by one or more serious crimes. One out of every four. The monetary losses are still huge, \$19 billion or more a year. The suffering that many people experience continues to be incalculable.

Again, I commend Senator SESSIONS and everyone involved in this initiative to finish the task that meant so much to Senator Coverdell. I thank the Democratic members of the committee in the House and especially thank the subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM), and the ranking member, the gentleman from Virginia (Mr. SCOTT), who really deserve the lion's share of the credit. I would also like to thank the staff on both sides of the aisle who have worked diligently to keep this legislation alive for over a year. I support the bill and ask my colleagues to support it, also.

Mr. SCOTT. Mr. Speaker, reclaiming my time and under my reservation, I just want to thank the Commonwealth of Virginia for its excellent crime labs under the leadership of Paul Ferrara. Virginia has done an excellent job in forensic technology.

Mr. Speaker, based on the comments made by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Georgia (Mr. BISHOP), I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3045

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 "Paul Coverdell National Forensic Sciences Improvement Act of 2000".

SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section

501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

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

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

(3) by adding at the end the following:

“(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.”.

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

“(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

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

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

“(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

“(II) who provide testimony with respect to such physical evidence to the criminal justice system;

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

“(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

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

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

“(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.”.

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

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

“PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

“SEC. 2801. GRANT AUTHORIZATION.

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

“SEC. 2802. APPLICATIONS.

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

“(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

“(2) a certification that any forensic science laboratory system, medical examiner’s office, or coroner’s office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices

and procedures, established by accrediting organizations; and

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

“SEC. 2803. ALLOCATION.

“(a) IN GENERAL.—

“(1) POPULATION ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

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

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

“(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

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

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

“(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

“SEC. 2804. USE OF GRANTS.

“(a) IN GENERAL.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

“(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded under this part—

“(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

“(2) may not be used for any general law enforcement or nonforensic investigatory function.

“(c) FACILITIES COSTS.—

“(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

“(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

“(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

“(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

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

“SEC. 2805. ADMINISTRATIVE PROVISIONS.

“(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

“(b) EXPENDITURE RECORDS.—

“(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

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

“SEC. 2806. REPORTS.

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

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

“(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and

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

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

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

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

(2) AUTHORIZATION OF APPROPRIATIONS.—

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

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

- “(A) \$35,000,000 for fiscal year 2001;
- “(B) \$85,400,000 for fiscal year 2002;
- “(C) \$134,733,000 for fiscal year 2003;
- “(D) \$128,067,000 for fiscal year 2004;
- “(E) \$56,733,000 for fiscal year 2005; and
- “(F) \$42,067,000 for fiscal year 2006.”.

(B) BACKLOG ELIMINATION.—There is authorized to be appropriated \$30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

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

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

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

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

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

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

SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as “DNA testing”) has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

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

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

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

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

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

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

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

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

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

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

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

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

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

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□

DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Senate amendment:

Page 26, after line 6, insert:

SEC. 11. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribo-nucleic acid testing (referred to in this section as “DNA testing”) has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

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

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

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

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

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

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

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

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

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in the United States;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing the loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

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

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