

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.

Amend the title to read as follows: “A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.”

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be considered read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4345) was agreed to.

The bill (S. 3045), as amended, was read the third time and passed.

**RECOGNIZING THAT THE BIRMINGHAM PLEDGE HAS MADE A SIGNIFICANT CONTRIBUTION IN FOSTERING RACIAL HARMONY**

Mr. BROWNBAC. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.J. Res. 102, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4347

Mr. BROWNBAC. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBAC), for Mr. SESSIONS, proposes an amendment numbered 4347.

The amendment reads as follows:

Whereas Birmingham, Alabama, was the scene of racial strife in the United States in the 1950s and 1960s;

Whereas since the 1960s, the people of Birmingham have made substantial progress toward racial equality, which has improved the quality of life for all its citizens and led to economic prosperity;

Whereas out of the crucible of Birmingham's role in the civil rights movement of the 1950s and 1960s, a present-day grassroots movement has arisen to continue the effort to eliminate racial and ethnic divisions in the United States and around the world;

Whereas that grassroots movement has found expression in the Birmingham Pledge, which was authored by Birmingham attorney James E. Rotch, is sponsored by the Community Affairs Committee of Operation New Birmingham, and is promoted by a broad cross section of the community of Birmingham;

Whereas the Birmingham Pledge reads as follows:

“I believe that every person has worth as an individual.

“I believe that every person is entitled to dignity and respect, regardless of race or color.

“I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others.

“Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions.

“I will discourage racial prejudice by others at every opportunity.

“I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.”

Whereas commitment and adherence to the Birmingham Pledge increases racial harmony by helping individuals communicate in a positive way concerning the diversity of the people of the United States and by encouraging people to make a commitment to racial harmony;

Whereas individuals who sign the Birmingham Pledge give evidence of their commitment to its message;

Whereas more than 70,000 people have signed the Birmingham Pledge, including the President, Members of Congress, Governors, State legislators, mayors, county commissioners, city council members, and other persons around the world;

Whereas the Birmingham Pledge has achieved national and international recognition;

Whereas efforts to obtain signatories to the Birmingham Pledge are being organized and conducted in communities around the world;

Whereas every Birmingham Pledge signed and returned to Birmingham is recorded at the Birmingham Civil Rights Institute, Birmingham, Alabama, as a permanent testament to racial reconciliation, peace, and harmony; and

Whereas the Birmingham Pledge, the motto for which is "Sign It, Live It", is a powerful tool for facilitating dialogue on the Nation's diversity and the need for people to take personal steps to achieve racial harmony and tolerance in communities: Now, therefore, be it

Mr. SESSIONS. Mr. President, I rise today to offer an amendment in the nature of a substitute to H.J. Res. 102, recognizing the "Birmingham Pledge" and its author, Birmingham attorney James E. Rotch, for the contributions it and he have made to healing wounds of racial prejudice that still, unfortunately, divide segments of our society. The Birmingham Pledge is a powerful declaration that has had a profound impact on those who have heard or seen it. It uses words of conviction and purpose that promote racial harmony by helping people communicate about racial issues in a positive way and by encouraging people to make a commitment to racial harmony. By affixing our signatures to the message conveyed by these words, we are, in effect, saying to the world that we stand for freedom and equality for all, regardless of race or color. Further, we are saying that we will not tolerate discrimination leveled at anyone simply because of their race or color. The words of the Pledge are as follows:

I believe that every person has worth as an individual. I believe that every person is entitled to dignity and respect, regardless of race or color. I believe that every thought and every act of racial prejudice is harmful; if it is in my thought or act, then it is harmful to me as well as to others. Therefore, from this day forward I will strive daily to eliminate racial prejudice from my thoughts and actions. I will discourage racial prejudice by others at every opportunity. I will treat all people with dignity and respect; and I will strive to honor this pledge, knowing that the world will be a better place because of my effort.

These words do not reflect any new science or ground-breaking theory, instead they reflect the time-honored principles, not always followed, that have made this country the greatest example of individual liberty and freedom the world has ever known.

The words of the Birmingham Pledge are reflective of those used by Thomas Jefferson in penning the Declaration of Independence so many years ago. Jeffer-

son wrote that "all Men are created equal, [and] that they are endowed by their Creator with certain unalienable Rights." That language is clear. Thousands of citizens in Birmingham and Alabama and throughout this country and the world have recommitted themselves to these principles, and by offering this Pledge to the rest of the country, we ask everyone else to be rededicated to them, too. By signing this pledge, people make an outward showing of that commitment. Again, that is why I, on behalf of my constituents, offer this Joint Resolution. In addition to calling us to our uniquely American heritage, the words of the Birmingham Pledge also recognize Birmingham's unfortunate history as a site of significant civil rights confrontation. The Pledge conveys, as does the city's political and economic reality, that Birmingham has moved forward from that difficult time in its history to a more complete embrace of the principles embodied in this Pledge. Indeed, the city has experienced an astonishing measure of social, political, and economic progress in recent years.

More than 70,000 people around the world have seen the merit of the Birmingham Pledge and signed it because they thought it was the right thing to do. Those signing it include the President, Members of Congress, Governors, state legislators, mayors, county commissioners, city council members, clergymen, students, and the list goes on. The point is, a broad cross-section of our society has embraced the high principles conveyed in the Birmingham Pledge because they see it as a powerful tool to facilitate dialogue on racial issues and additionally as a way for people to take personal steps to achieve racial harmony and tolerance in the communities in which they live. This Resolution simply recognizes the good work that the Birmingham Pledge has already accomplished, and the potential it has for further progress in this important area of our national and international life. In order to increase awareness of the Birmingham Pledge and to further its message, this resolution calls for the establishment of a National Birmingham Pledge Week. Setting aside such a period of time to further the message of the Birmingham Pledge and to celebrate the marked progress we have made in the area of racial harmony would be a fitting way to recognize the influence the Pledge is having on race relations in communities all across America and around the world.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment to the joint resolution be agreed to, and the joint resolution, as amended, be read the third time and passed, the amendment to the preamble and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4347) was agreed to.

The joint resolution (H.J. Res. 102), as amended, was read the third time and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

#### CORRECTING ENROLLMENT OF THE BILL S. 1474

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 156, submitted by Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 156) to make a correction in the enrollment of the bill S. 1474.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 156) was agreed to, as follows:

#### S. CON. RES. 156

*Resolved by the Senate (the House of Representatives concurring).* That, in the enrollment of the bill (S. 1474) providing for the conveyance of the Palmetto Bend project to the State of Texas, the Secretary of the Senate shall make the following correction:

In section 7(a), insert "not" after "shall".

#### MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Health Committee be discharged from further consideration of S. 1880, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1880) to amend the Public Health Service Act to improve the health of minority individuals.

There being no objection, the Senate proceeded to consider the bill.

#### AMENDMENT NO. 4349

Mr. BROWNBACK. Mr. President, Senator FRIST has a substitute amendment at the desk for himself and others.

The PRESIDING OFFICER. The clerk will report.

The clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) for Mr. FRIST, for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Mr. DEWINE, Ms. MIKULSKI, Mr. ENZI, Mr. WELLSTONE, Mr. HUTCHINSON, Mrs. MURRAY, Ms. COLLINS, Mr. AKAKA, Mr. BOND, Mr. LAUTENBERG, Mr.