

WESTERN INTERSTATE CHILD  
SUPPORT ENFORCEMENT COUNCIL,  
*Austin, TX, October 18, 2000.*

Re Bankruptcy reform conference report for  
H.R. 2415.

Hon. WILLIAM J. CLINTON,  
*President of the United States,  
The White House, Washington, DC.*

DEAR MR. PRESIDENT: As President of the Western Interstate Child Support Enforcement Council (WICSEC), an organization comprised of child support professionals from the private and public sectors west of the Mississippi River, I would like to express our membership's unqualified support of H.R. 2415. The primary purpose of WICSEC is to ensure that child support workers have effective enforcement tools to carry out our mandated responsibility to establish and collect child support. The passage of H.R. 2415 will greatly enhance our efforts in this regard by establishing an equitable system of debt repayment and discharge in bankruptcy proceedings.

The current structure of the bankruptcy process allows child support obligors who file for protection under the Bankruptcy Code to repay debts to customary collectors, but does not hold them accountable for the ongoing financial support of their children. The provisions of H.R. 2415 will reprioritize the elements in bankruptcy plans by establishing child support as the debtor's primary obligation, with all other debts assuming a secondary role. As a result, our nation's child support agencies will be able to pursue collection efforts without encountering the restrictions caused by existing bankruptcy proceedings.

We greatly appreciate your demonstrated support of legislation which benefits families and children. At this time, we respectfully ask you to continue that commitment by signing H.R. 2415.

Sincerely,

HOWARD G. BALDWIN, Jr.,  
*President.*

CALIFORNIA FAMILY SUPPORT COUNCIL,  
*Sacramento, CA, October 17, 2000.*

Re Bankruptcy reform conference report for  
H.R. 2415.

DEAR MR. PRESIDENT: I am writing you on behalf of the California Family Support Council, an organization of professionals who are responsible for carrying out the federal child support program in California pursuant to Title IV-D of the Social Security Act. Our membership consists of approximately 2,500 persons employed by county and state agencies which administer the program.

Support of the bankruptcy reform legislation by the Council is reflected in the attached resolution, approved by the general membership at our Annual Training Conference in February of this year. It is based on our experience that bankruptcy remains an impediment to our ability to collect support and a haven for those who want to avoid their familial obligations. Our membership feels strongly that this legislation will strengthen substantially the child support enforcement program and improve the collection of child support.

Bankruptcy should no longer interfere with the payment of collection of support. This legislation is the first major revision of the treatment of support during bankruptcy since the Bankruptcy Code was enacted in 1978. We strongly urge you to sign this legislation.

Respectfully,

KRIS REIMAN,  
*President.*

CALIFORNIA FAMILY SUPPORT COUNCIL 2000—  
RESOLUTION II

Whereas the California Family Support Council is composed of state and local pro-

professionals who have the responsibility of operating the federal child support enforcement program in the State of California; and

Whereas the filing of a bankruptcy petition by debtors owing child support substantially impairs the ability of government and private child support creditors to enforce support obligations; and

Whereas the Bankruptcy Code conflicts in many significant ways with federally mandated child support program requirements; and

Whereas the 1996 Personal Responsibility and Work Opportunity Act of 1996 provided child support obligees with a new and considerable right to child support arrearages which were previously assigned to the government, and under current law these arrears are treated unfavorably in bankruptcy; and

Whereas in 1999 both houses of Congress passed bankruptcy reform bills, each of which contained child support provisions which would accomplish the following:

- a. Give support debts a very high priority in payment from the bankruptcy estate;
- b. Eliminate the distinction between support owed to a spouse or parent and support assigned to the government;
- c. Insure that support in any form would not be dischargeable in bankruptcy;
- d. Allow federally mandated support enforcement procedures such as wage withholding orders, license revocations processes, credit reporting, and medical support enforcement, to be unaffected by automatic bankruptcy stays;
- e. Eliminate the conflicts between provisions of the Bankruptcy Code and the Social Security Act which affect the treatment of a support arrearage debt; and

Whereas the California Family Support Council is on record in support of both the House and Senate 1998 bankruptcy reform bills; and

Whereas the support provisions were improved and strengthened in the 1999 House and Senate Bankruptcy Reform bills; and

Whereas the support provisions in the 1999 House and Senate bills contain all improvements for collecting support during bankruptcy as approved by the California Family Support Council; now therefore be it

*Resolved* that the California Family Support Council:

1. Supports both the House and Senate Bankruptcy Reform Bills as passed by their respective bodies; and
2. Urges the House and Senate to preserve the current child support provisions in conference; and
3. Urges the President to sign the bankruptcy reform legislation if the final conference report maintains the current child support provisions; and
4. Directs the President of the California Family Support Council to convey to the California Congressional Delegation and to the President its enthusiastic endorsement of the Bankruptcy Reform Bills.

Mr. SESSIONS. I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent to proceed as in

morning business with certain administrative wrapup responsibilities.

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

#### ADDITIONAL STATEMENTS

##### IN MEMORY OF TODD PORTERFIELD

• Mr. HOLLINGS. Mr. President, It has come to my attention that a young man, Todd Porterfield, was struck by a car and killed over the summer while he was participating in a philanthropy event for Pi Kappa Phi social fraternity, of which I am an alumnus. Todd, a senior at the University of Washington, was on a cross-country bike ride called the Journey of Hope. Each year, the Journey of Hope raises approximately \$300,000 for the national organization Push America that supports people with disabilities. Todd's commitment to service was remarkable in someone so young. He not only helped lead philanthropy efforts within his fraternity, but also traveled to Mexico to build homes for the disadvantaged and volunteered for three different shelters and outreach programs for the homeless in Seattle. Todd had a bright future and no doubt would have continued to be an active and caring member of his community. My thoughts are with his friends and family, members of Pi Kappa Phi fraternity and the University of Washington. •

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-11744. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations (Elkhart, Texas)" (MM Docket No. 00-152) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11745. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Scottsbluff, NE" (MM Docket No. 00-140, RM-9916) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11746. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Eatonville, Wenatchee, Moses Lake, Spokane, and Newport, Washington)" (MM Docket No. 99-74, RM-9269, RM-9736) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11747. A communication from the Special Assistant, Mass Media Bureau, Federal

Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding" (MM Docket No. 98-204, 96-16, FCC 00-338) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11748. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations (Grapeland, Texas)" (MM Docket No. 00-151) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11749. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations (Dozier, AL)" (MM Docket No. 00-131, RM-9897) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11750. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Mill Hall, Jersey Shore and Pleasant Gap, Pennsylvania)" (MM Docket No. 99-312) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11751. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Redding, CA" (MM Docket No. 00-115, RM-9884) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11752. A communication from the Federal Motor Carrier Safety Administration Regulations Officer, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Motor Carrier Identification Report" (RIN2126-AA57) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11753. A communication from the Federal Motor Carrier Safety Administration Regulations Officer, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Manufactured Home Tires" (RIN2126-AA65) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11754. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Savannah, GA (COTP Savannah 00-098)" (RIN2115-AA97) (2000-0093) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11755. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Recreational Fishery Closure" received on December 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11756. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Maine Mahogany Quahog Fishery; Commercial Quota Harvested" (I.D. 110700C) received on December 1, 2000; to the Committee on Commerce, Science, and Transportation.

#### ADDITIONAL COSPONSORS

S. 1814

At the request of Mr. SMITH of Oregon, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1814, a bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes.

S. 3183

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 3273

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3273, a bill to require the Federal Election Commission to study voting procedures in Federal elections, award Voting Improvement Grants to States, and for other purposes.

#### AMENDMENTS SUBMITTED

##### DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

##### LEAHY AMENDMENT NO. 4359

Mr. GRASSLEY (for Mr. LEAHY) proposed an amendment to 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; as follows:

At the appropriate place, insert the following:

**SEC. . 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

(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