

The leadership of this House, which refuses to bring up this popular legislation for a vote, is sentencing millions of Americans to joblessness and underemployment. Mental illnesses are treatable and individuals with mental illnesses are frequently able to hold down good jobs as productive members of society, but only if they are treated.

As the Chicago Tribune reported several years ago, employees who are depressed are twice as likely to take time off for health reasons as employees who are not depressed and are seven times more likely to be less productive on the job.

President Bush's New Freedom Commission on Mental Health found a shocking 90 percent unemployment rate among individuals with serious mental illnesses, while also finding that most of them could work with just modest supports.

The American Dream is not just for those lucky enough to live free of disease and disability. During this mental health awareness week, I call on this House to finally at long last pass mental health parity.

□ 1030

#### DISASTER RELIEF

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, later today we will take up the Emergency Supplemental Appropriations Act for the year 2005. It is a help, but it is simply not enough. From today's newspapers, we learn that the four hurricanes which struck over 6 weeks have wiped out thousands of jobs and billions of dollars' worth of property. Economists estimate that that is the case.

The hurricanes caused parts of 10 eastern States from Florida to Vermont to be declared Federal disaster areas. The storms destroyed or seriously damaged many hotels, restaurants, stores, factories and other businesses while temporarily closing seaports, harbors, theme parks and other tourist destinations. Insurance payments will be as much as \$23 billion.

I call on the House of Representatives to get past this set of disasters and realize that there will be others, and to establish in this Congress a disaster relief fund and a separate jurisdiction dealing specifically with disaster relief from drought to fires, to storms, to earthquakes and whatever may occur in our Nation.

#### IRAQI ARMS THREAT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today's Washington Post reports that at the

time this administration brought us to war in Iraq, Saddam Hussein posed not the gathering threat that President Bush and Vice President CHENEY continue to claim he was, but rather, a diminishing one.

The findings of the chief U.S. weapons inspector in Iraq are but one more example of a President and a Vice President intent on misleading the American people into war and blind to the realities of Iraq today. This comes one day after the startling admission by the former head of the Coalition Provisional Authority in Iraq, Paul Bremer, that we did not have enough troops on the ground after the invasion to guard sensitive areas like weapons stockpiles. Today, those very weapons are being used against our troops by militants and by terrorists.

At every step of the way, determining the threat level posed by Saddam, how much the war would cost, how many casualties America would bear, George Bush and DICK CHENEY have been consistent, consistently wrong. As we saw last night and last Thursday in the debates, George Bush and DICK CHENEY are incapable of fixing Iraq because they refuse to see the mess that they have created there.

They refuse to see the mess that they have created in the U.S. economy.

The American people? They see it every single day.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). The Chair must remind all Members that remarks in debate may not engage in personalities toward the President and the Vice President or the acknowledged candidates for those offices. Policies may be addressed in critical terms, but personal references of an offensive or accusatory nature are not proper.

#### READY FOR CHANGE

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I must confess that I am not surprised that the Vice President did not know that he knew Senator EDWARDS, because it seems to me that there are a lot of things that they know but do not say.

They did not know that there were no weapons of mass destruction in Iraq, but we went to war anyway. They did not know that trickle-down would not solve the Nation's economic problems. They promote it anyway. They did not know that senior citizens need a real prescription drug program, but they sham it anyway.

They may not know that the American people are ready for change, but they are, and we shall see in a little bit.

#### PROVIDING FOR CONSIDERATION OF H.R. 5107, JUSTICE FOR ALL ACT OF 2004

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 823 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 823

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5107) to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Sensenbrenner of Wisconsin or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this morning the Rules Committee met and granted a modified closed rule for H.R. 5107, the Justice for All Act. The measure is a combination of a House-passed bill, H.R. 3214, expanding DNA testing to catch more criminals and to allow wrongly convicted people a chance to prove their innocence, and a Senate-passed bill, S. 2329, that improves victims' rights.

I am also very pleased that the gentleman from Wisconsin (Mr. SENSENBRENNER) included a manager's amendment to address Members' concerns and the Department of Justice, as well as victims' rights groups' concerns. H.R. 3214 passed the House in November, 2003, by a 357-67 margin. S. 2329 passed the Senate in April 2004 on a 96-1 vote.

Regarding the crimes victims portion of this bill, the legislation seeks to remedy the apparent disparity between

the great number of rights and protections afforded to a person accused of a crime, but the relatively few rights and remedies for victims. The bill amplifies the existing rights for victims and sets forth an explicit enforcement mechanism. Additionally, H.R. 5107 provides funding for legal counsel for victims to assist them in the process and to ensure that these rights are enforced.

On the DNA side of this bill, it seeks to position DNA testing so it can finally reach its enormous potential.

Unfortunately, the current Federal and State DNA collection and analysis system suffers from a variety of problems. In many cases public crime laboratories are overwhelmed by backlogs of unanalyzed DNA samples, samples that could be used to solve violent crimes if the States had the funds to eliminate this backlog.

In my home State of North Carolina, the number of unprocessed DNA samples is 7,000 and the number of unprocessed DNA rape kits is estimated to be 6,000. North Carolina authorities say that the processing and entering of the DNA backlog could solve hundreds of crimes.

This legislation will authorize a significant increase in resources to better use DNA in solving crimes, taking dangerous people off the streets and sparing many innocent Americans from further crimes. To that end, I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time, and I yield myself such time as I may consume.

I rise in strong support of the underlying legislation. I commend our colleagues on the Committee on the Judiciary for their excellent bipartisan work. Perhaps this should be a model to all of us here in the House of Representatives.

Mr. Speaker, the underlying bill makes DNA technology available to our criminal justice system in order to enhance its efficiency and certainty in exonerating the innocent as well as identifying and convicting the guilty.

News stories praising the successful use of DNA to solve crimes are plentiful. To give just an example, consider the following: After 14 years on Florida's death row, Frank Lee Smith died of cancer on January 30, 2000, before he was exonerated of rape and murder. An autopsy revealed that the victim had been raped and sodomized. Through shaky eyewitness descriptions, the police put together a composite sketch that set off Frank Lee Smith's arrest on April 29, 1985. The prosecution relied on the identification of Smith by the victim's mother and Smith's criminal history. The jury unanimously recommended the death penalty.

Mr. Speaker, only after Smith's death was a blood sample from him obtained by the State prosecutor's office

which was then tested against a semen sample taken from the victim. The samples were sent to the FBI laboratory, which reported that Frank Lee Smith was excluded as the depositor of the semen. On December 15, 2000, 11 months after his death and 14 years after his 1986 conviction, Frank Lee Smith was exonerated based on exculpatory DNA testing results. These results not only cleared Smith of the crime, but also identified Eddie Lee Mosley, a convicted rapist and murderer, as the true perpetrator.

The case of Frank Lee Smith is not unique. Since 1976, 111 people in 25 States have been released after spending years on death row for crimes they did not commit. DNA testing was responsible for exonerating 12 of the people freed from death row and another 126 who were wrongfully convicted of serious crimes. In at least 34 of these cases, the same tests that exonerated an innocent person led to the apprehension of the real perpetrator.

Despite DNA's enormous potential, the current Federal and State DNA collection and analysis system suffers from a variety of problems. In many instances, public crime laboratories are overwhelmed by backlogs of unanalyzed DNA samples, as pointed out by my colleague and friend from North Carolina (Mrs. MYRICK). In addition, many of the laboratories are ill-equipped to handle the increasing flow of DNA samples and evidence.

Furthermore, the problems of backlogs and the lack of up-to-date technology result in significant delays in the administration of justice. For example, some estimates indicate that DNA evidence from at least 300,000 rape crime scenes have been collected but never analyzed in a crime lab.

As you can imagine, Mr. Speaker, the cases of those exonerated by DNA testing have revealed disturbing fissures and trends in our criminal justice system. They confirm that our criminal justice system is fallible. Judges, juries, police, defense attorneys and prosecutors are all human and all make mistakes.

But we have the means at our disposal to minimize this. The underlying legislation could have an immediate and direct effect, and I urge my colleagues to support its passage. With our action today, many crimes can be solved, many guilty people can be taken off the streets, and many victims can be spared from further crimes.

Mr. Speaker, I ask my colleagues to vote for this rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), the original author of the House bill who has been working on this issue for a long, long time.

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I have been a part of a group of people that have worked on this bill. Primarily my friend from Massachusetts (Mr. DELAHUNT) and I some 5 years ago started working on this bill.

This is a very good bill. I urge Members to support the rule and to support the bill.

□ 1045

We have been down this path a few times before in the House, and we are trying to find a way to get our friends in the other body to come along with us. But I got involved in this as a proponent of the death penalty and somebody who supports the death penalty, but also as a result of a group of students at Northwestern University several years ago, who did a study of those sitting on death row and found that of those who were on death row that had been given the death sentence, 12 of them were actually innocent and were released by the governor of the State of Illinois because they were innocent, which means that there were 12 people out on the street who had actually committed the crimes.

This bill allows for the ability of people who have the responsibility for prosecuting these cases to have 100 percent certainty, through the use of DNA testing, through the use of providing that competent counsel is provided to defendants, people that really know how to deal with capital cases. And it is a very important way to really fix a flawed criminal justice system, a system that has allowed for innocent people to sit on death row and guilty people to be out on the street.

It is a very good bill, and I want to really congratulate the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary, for his willingness to look at this bill and to do some things that he felt were important; and also the gentleman from Massachusetts (Mr. DELAHUNT) for hanging in there with us on this.

I think we have a chance to pass this this year. And it would be a very good fix, to fix a flawed system in our country and really give a sense of opportunity to people that innocent people are not going to be convicted, and guilty people are going to be found and tracked down and locked up and, in some instances, be given the death penalty for serious crimes.

I thank the gentlewoman for yielding me this time, and I look forward to the House passing this bill today.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me, first of all, add my appreciation to the cosponsors of this legislation, particularly the gentleman

from Illinois and the gentleman from Massachusetts. Americans cannot imagine how important this legislation is. And as I do that, let me recite some of the elements of the bill that are very important and to be able to congratulate them on that.

The bill would increase the authorized funding levels for the DNA analysis backlog elimination program to \$151 million per year for the next 5 years. This will help eliminate the large backlog of DNA evidence that has not been analyzed and provide resources to remedy the lack of training, equipment, technology, and standards for handling DNA and other forensic evidence.

This bill also authorizes funding for training for law enforcement, correctional court and medical personnel on the use of DNA evidence, and authorizes grant programs to reduce other forensic science backlog, research, new DNA technology, and promotes the use of DNA technology to identify missing persons and provides funds for the FBI and the administration of DNA programs.

I wanted to list that because this is an act of love and respect for justice. It includes respect for the rights of the States who protect the injured and the victims. At the same time, it has the approval and support of the Innocence Project, which has worked with many of us around the Nation, but particularly, Mr. Speaker, in the State of Texas.

Let me tell the Members why this legislation is so crucial, and particularly for States like mine.

Over the last 2 years we have had a complete collapse of the DNA laboratory in the State of Texas, but let me specifically cite Harris County. Unfortunately, unlike the two legislators who have cosponsored this legislation, in Texas, of course, we have not had the kind of reasonable response by our district attorney and our lab is still in collapse.

This funding and this sort of guide will help local jurisdictions, including State governments and county governments who have the responsibility to prosecute on behalf of the victims, to get it right. We have not been able to get it right. And, frankly, in not getting it right, we have seen the 12 that have been on the streets in Illinois and the many victims in the State of Texas.

For example, Josiah Sutton was an individual whose DNA had not been appropriately reviewed, and, therefore, he was convicted and sentenced to many years for rape he did not do. This legislation helps to bring that into focus and to be able to suggest that we can handle justice for the victims, but as well, justice for the unfortunately accused.

Let me also say what this DNA legislation will do. It will provide the standards that are necessary and the guidelines that prosecutors need to adhere to. In our State, Senator Rodney Ellis

has called for a moratorium of any executions, particularly coming out of Harris County, because we have a faulty DNA. The tragedy, of course, is that it has not been listened to.

I hope with the successful passage of this legislation we will be able to send a loud message. I would have wanted, however, a fuller open rule on this legislation, but my sensitivity to the importance of it would suggest that even without the open rule, we should move forward.

But let me suggest that there are many other aspects of DNA that can be used effectively. My legislation that has been enthusiastically embraced by John Walsh of "America's Most Wanted" had to do with providing a DNA bank for child predators. We know that over the years this House has been in a flurry around the incidences of abducted children, where children have been abducted. The tragedy that occurred in Utah with respect to Ms. Smart, I had her father testify before our committee dealing with issues on child abduction.

And let me just say that having a DNA bank that banks those who have been convicted of acts against children, violent acts, sexual acts against children, would also help our law enforcement across the Nation be able to both find the culprit and also relieve the innocent of the burden of being convicted falsely. We know in that case one of the individuals that was incarcerated ultimately died and happened not to be the particular perpetrator in that case.

But let me just say that I am hoping that the legislation will find legs as we might move into the next Congress.

But I do want to stand and support this legislation, Justice for All Act of 2004, and say to my constituents, and particularly the district attorney of Harris County, it is time to wake up. It is time to recognize new technology. It is time to embrace this legislation as it helps our local jurisdiction. And I might say that at the passage of this legislation today, I hope my district attorney, District Attorney Rosenthal, will recognize the importance of a moratorium on executions as they did in Illinois.

I ask my colleagues to support the rule and to support this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4850, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005**

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call

up House Resolution 822 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 822

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4850) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a standard rule for consideration of an appropriations conference report, and H. Res. 822 provides for the consideration of the conference reports for H.R. 4850, the District of Columbia Appropriations Act of 2005. The rule waives all points of order against the conference report and against its consideration. It also provides that the conference report shall be considered as read.

Mr. Speaker, the House Committee on Appropriation continues to work hard to complete the work on the remaining appropriations bills in order to fund the responsibilities of the Federal Government. It has passed 12 of 13 regular appropriations bills and continues to work with the House and Senate leadership and the Senate Appropriations Committee to complete the appropriations process.

While the 108th Congress has passed a continuing resolution funding the government through November 20, I am pleased that the gentleman from New Jersey (Mr. FRELINGHUYSEN) and the District of Columbia Subcommittee of the Committee on Appropriations today presents the House with another individual appropriations conference report to send to the President.

Mr. Speaker, I believe that the details of a bill should principally be discussed during a general debate on this legislation. However, I did want to note that the fiscal year 2005 D.C. Appropriations bill will provide funding for the new Bioterrorism and Forensics Lab and will provide full funding for the school improvement program, including \$13 million for public school improvements, \$13 million for charter schools, and \$14 million for opportunity scholarships to promote academic achievement and school choice.

I support these efforts to assist the District of Columbia students whose opportunities for success and growth are undermined simply because they reside in one of the least effective school districts in America.