

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.

Mr. Speaker, the Committee on Rules has reported a good rule for consideration of this conference report, and I urge my colleagues to support it so that we may proceed with the general debate and consideration of this bipartisan legislation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary time.

Mr. Speaker, this rule is typical of that for most conference reports, and I will not oppose it.

Mr. Speaker, there is no perfect legislation and certainly not when it comes to funding matters. The underlying conference report providing appropriations for the District of Columbia in fiscal year 2005 includes a variety of provisions that are controversial and detrimental to the District's residents and, frankly, the country as a whole.

I do not have to tell my colleagues about the uniqueness of the District of Columbia as a Federal city. It is the only place in the Nation where constitutionally Congress can exercise micromanagement at the highest and lowest of levels.

Taking into consideration the fact that the District of Columbia has no voting representation in Congress, we should be mindful of this privileged duty and careful not to put our parochial agendas on the table when considering this conference report.

As the gentleman from Georgia mentioned, the report approves the expenditure of a total of \$8.3 billion in local funds for the District and directly appropriates \$560 million for various District programs and projects. It includes \$25.6 million for a tuition assistance program for college-bound students, \$3 million for improvements to the Anacostia waterfront area, \$6 million for a new public school library initiative, and \$5 million to improve foster care in the District.

While there are many quality programs funded by the conference report, such as the ones I just mentioned, the report also includes legislative riders that are a smorgasbord of controversy. The report prohibits the use of funds for abortions, registering same-sex couples, and for the distribution of clean needles and syringes. None of these prohibitions were sought by the District, and they represent nothing more than the ideological impositions of the majority.

Furthermore, deep down inside the conference report is what the majority has dubbed a three-pronged school choice program. This program is heralded by school voucher advocates as a way to improve academic performance while promoting school choice. The reality is, however, the approach is a direct cut in Congress' funding commitment to the District's public schools.

□ 1100

That, Mr. Speaker, is an embarrassment to this institution.

Our education system will never improve if we continue to divert our attention away from improving public schools, the schools that are free of cost and guaranteed to every child in America. Our public schools will never improve if we continue to underfund the No Child Left Behind Act. If the majority wants to point fingers at who is to fault for failures in our education system, then it ought to stop pointing fingers at the District of Columbia and start pointing them at all of our districts that have failing schools.

In less than 3 years after its passage, the No Child Left Behind Act has been underfunded by President Bush and Congressional Republicans by more than \$27 billion. Let me repeat that. In less than 3 years after its passage, the No Child Left Behind Act has been underfunded by President Bush and Congressional Republicans by more than \$27 billion.

If we want to have a real discussion about education, then let's have one. But let us be honest with the American people about what we are doing to the entire Nation's education system. Let us start telling the American people the truth and stop using the District as a petri dish of ideological shortcomings when considering the needs and lives of the residents of the Nation's Capital.

It is high time that we as lawmakers in this great body stop playing political chess games with our responsibility to this process. We should allow the people of Washington, D.C., to govern themselves, and they should have a voting privilege in the House of Representatives.

Funding for the education of the Nation's children and overall healthy well-being of its citizens should be our primary focus and goal. The D.C. appropriations bill is not the stage to act out our experimental projects that will not necessarily prove beneficial in the end.

We must be mindful of the District's citizens that we have been given charge over. They are silenced in this process by the Constitution, and we must be responsible in our actions on their behalf.

I urge my colleagues to consider this responsibility when voting on the underlying conference report.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 7 minutes to my good friend, the gentlewoman from the District of Columbia (Ms. NORTON), the non-voting Delegate that should be voting like all of us, especially on this subject, who on behalf of this community has pursued outstanding legislation.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me time. I thank the gentleman for his graciousness in respecting the independence of the people of the District of Columbia, citizens of the United States entitled to the same rights that all other Americans have.

I appreciate that the Committee on Rules, its chairman, its ranking mem-

ber, Members who come forward today with this bill, have brought forward a conference report and a rule that enables the District of Columbia to get its own money out, and the money that is due it from the Federal Government, on time.

I think that we should be apologizing to the American people that, at a time when all but two of our appropriations are not out, as we get ready to go home, we are having to spend time on the budget of a local jurisdiction. It must be hard to make people back home understand what we are doing, working on the taxpayer-raised budget of the District of Columbia and its Federal funds, rather than on the large Federal appropriations that await conference reports and the President's signature.

At the same time, I am grateful for the timeliness of this conference report. Of the 13 appropriations bills, only two, Defense and D.C., will be signed by the President when we leave to go home at the end of this week. In a real sense, this turns on its head the practice in recent years and, certainly, since the Republican majority has been in control.

D.C., irrelevant, literally irrelevant, to Members of the House and Senate, because almost all of the money is raised by our own local residents and taxpayers, D.C., the smallest, has traditionally been the most troublesome of the appropriations; the last out, the appropriation that caused more Members to come to the floor with amendments. Amendments that had to do with the District of Columbia? Absolutely not. Amendments that were of special interest to that Member but of no relevance to the District of Columbia.

The opposite has been the case this year, and it is because of the leadership of the appropriators and of the authorizers. There are no new riders. Three were threatened, but the appropriators and the authorizers worked together so that those riders did not come forward to be voted on on this floor. It is not that these Members are omnipotent, it is that, when leaders exercise leadership and discourage extraneous material, particularly on the appropriation of a local jurisdiction, an independent jurisdiction, their leadership can and this year has proved to be critical.

At the same time, I must take strong exception to the riders that remain; not new riders, but riders that remain. They are particularly inexcusable.

First, the needle-exchange rider, which makes D.C. alone in the United States of America. Hundreds of jurisdictions use their own money to pay for the exchange of dirty needles for clean needles, in accordance with all of the scientific evidence, and, I may say, all of the great scientific organizations, official and private, that say you save lives when you do not allow dirty needles to be passed around so that you spread HIV-AIDS.

So I should thank the Congress of the United States in the name of the people of the District of Columbia that, because of the needle-exchange admonition and bar in our appropriation, we have the highest HIV-AIDS rate in the country.

The interference with needle exchange, of course, is very different from other interference, because it costs lives. It is why we have so many men, women and children who otherwise would not be anywhere close to the AIDS epidemic with AIDS today. That calamity is laid at the feet of this Congress and essentially at the feet of this House, because the Senate asked that the District be able to spend its own local money for needle exchange. It was the House that refused to let the conference report come forward if, in fact, that was included.

There are, of course, other old riders in this bill. The old rider that says all the rest of you in the United States of America can spend your money for abortions for poor women, but not the residents of the District of Columbia. They are American citizens, but we are not about to treat them as first-class citizens. Remember, they are second-class citizens. So they can't spend their own money for abortions for their own poor women.

Perhaps as a matter of ordinary democracy, the most shameful rider says that the District can't spend its own money to lobby for its own rights. This House, not the Senate, the Senate has said, we are not on that boat, let them spend their own money if they want to spend their own money to get full and equal rights in the House and in the Senate, and we think that is their right and prerogative as Americans, but the House said, "Oh, no, that is not for the District. In my district, we better be able to spend our own money to lobby for anything we want to. Not in the Nation's Capital."

This is a time of war, this is a time of great and urgent matters in our country. This is not the time when we ought to be considering this appropriation at all. At the same time, I am grateful that, if it had to be here, that before we went home this appropriation was out of Congress; that I am not here in November, that I am not here in December, trying to get my own money out of this Congress.

In past years, the House has been critical of the management of the District of Columbia without conceding that not allowing the District to spend its own money on time has wrapped the District in knots as it tries to balance on last year's budget while waiting for the Congress to release its own money.

The appropriators, the gentleman from New Jersey (Mr. FRELINGHUYSEN), the gentleman from Pennsylvania (Mr. FATTAH), our authorizer, the gentleman from Virginia (Mr. TOM DAVIS), have gone very far in helping us to meet this burden. I appreciate that the Committee on Rules has taken taking us to the next step and making us one

of two appropriations to clear the Congress before we clear out of here.

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

Mr. LINDER. Mr. Speaker, I have no further requests for time, 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.

#### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5107.

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

There was no objection.

#### JUSTICE FOR ALL ACT OF 2004

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 823, I call up 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 823, the bill is considered read for amendment.

The text of H.R. 5107 is as follows:

#### H.R. 5107

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Justice for All Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—SCOTT CAMBELL, STEPHANIE ROPER, WENDY PRESTON, LOUARNA GILLIS, AND NILA LYNN CRIME VICTIMS' RIGHTS ACT**

Sec. 101. Short title.

Sec. 102. Crime victims' rights.

Sec. 103. Increased resources for enforcement of crime victims' rights.

Sec. 104. Reports.

#### TITLE II—DEBBIE SMITH ACT OF 2004

Sec. 201. Short title.

Sec. 202. Debbie Smith DNA Backlog Grant Program.

Sec. 203. Expansion of Combined DNA Index System.

Sec. 204. Tolling of statute of limitations.

Sec. 205. Legal assistance for victims of violence.

Sec. 206. Ensuring private laboratory assistance in eliminating DNA backlog.

#### TITLE III—DNA SEXUAL ASSAULT JUSTICE ACT OF 2004

Sec. 301. Short title.

Sec. 302. Ensuring public crime laboratory compliance with Federal standards.

Sec. 303. DNA training and education for law enforcement, correctional personnel, and court officers.

Sec. 304. Sexual assault forensic exam program grants.

Sec. 305. DNA research and development.

Sec. 306. National Forensic Science Commission.

Sec. 307. FBI DNA programs.

Sec. 308. DNA identification of missing persons.

Sec. 309. Enhanced criminal penalties for unauthorized disclosure or use of DNA information.

Sec. 310. Tribal coalition grants.

Sec. 311. Expansion of Paul Coverdell Forensic Sciences Improvement Grant Program.

Sec. 312. Report to Congress.

#### TITLE IV—INNOCENCE PROTECTION ACT OF 2004

Sec. 401. Short title.

Subtitle A—Exonerating the innocent through DNA testing

Sec. 411. Federal post-conviction DNA testing.

Sec. 412. Kirk Bloodsworth Post-Conviction DNA Testing Grant Program.

Sec. 413. Incentive grants to States to ensure consideration of claims of actual innocence.

Subtitle B—Improving the quality of representation in State capital cases

Sec. 421. Capital representation improvement grants.

Sec. 422. Capital prosecution improvement grants.

Sec. 423. Applications.

Sec. 424. State reports.

Sec. 425. Evaluations by Inspector General and administrative remedies.

Sec. 426. Authorization of appropriations.

Subtitle C—Compensation for the wrongfully convicted

Sec. 431. Increased compensation in Federal cases for the wrongfully convicted.

Sec. 432. Sense of Congress regarding compensation in State death penalty cases.

#### TITLE I—SCOTT CAMBELL, STEPHANIE ROPER, WENDY PRESTON, LOUARNA GILLIS, AND NILA LYNN CRIME VICTIMS' RIGHTS ACT

##### SEC. 101. SHORT TITLE.

This title may be cited as the "Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act".

##### SEC. 102. CRIME VICTIMS' RIGHTS.

(a) AMENDMENT TO TITLE 18.—Part II of title 18, United States Code, is amended by adding at the end the following:

##### "CHAPTER 237—CRIME VICTIMS' RIGHTS

"Sec.

"3771. Crime victims' rights.

##### "§ 3771. Crime victims' rights

"(a) RIGHTS OF CRIME VICTIMS.—A crime victim has the following rights: