

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 in capital cases at each stage of those proceedings.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida to explain the purpose of his request.

Mr. MCCOLLUM. I thank the gentleman from Virginia (Mr. SCOTT) for yielding.

Mr. Speaker, I introduced the bill, H.R. 4640, which is the subject of this request, the DNA Analysis Backlog Elimination Act, together with the gentleman from Virginia (Mr. SCOTT) as the ranking minority member, the gentleman from Ohio (Mr. CHABOT), the gentleman from New York (Mr. WEINER), and the gentleman from New York (Mr. GILMAN) to address a very important problem, the massive backlog of biological samples awaiting DNA analysis in the States. This bill will authorize the appropriation of Federal funds to be awarded to States in order to clear this backlog. It also gives the Federal Government much needed authority to take DNA samples from certain Federal offenders and include them in the FBI's national database of convicted offender samples that matches known offenders to crimes where the perpetrator is yet to be discovered.

The bill was first passed by the House by voice vote on October 2. The other body passed the bill by unanimous consent yesterday. In the other body, the

bill was slightly amended in one regard: It added a sense of the Congress concerning the use of DNA evidence in certain cases. The sense of the Congress is identical to that contained in S. 3045, the bill just passed by the House. So I see no problem with it at all. I think it is a very important bill that the gentleman and I have worked on for some time. I would urge my colleagues to support it.

Mr. SCOTT. Mr. Speaker, this is the bill we passed, and the Senate amendment improved the bill.

Mr. GILMAN. Mr. Speaker, I would like to express my gratitude to Chairman MCCOLLUM for his dedication and diligence in bringing H.R. 4640, the DNA Analysis Backlog Elimination Act, to the floor today, and am pleased that this legislation reflects many of the provisions outlined in my measure, H.R. 3375, the Convicted Offender DNA Index System Support Act. I've had the pleasure of working closely with him, Ranking Member SCOTT, and Representatives RAMSTAD, STUPAK, KENNEDY, WEINER, and CHABOT, in developing this legislation, which will meet the needs of prosecutors, law enforcement, and victims throughout our Nation.

Mr. Speaker, in 1994, the Congress passed the DNA Identification Act, which authorized the construction of the combined DNA index system, or CODIS, to assist our Federal, State and local law enforcement agencies in fighting violent crime throughout the Nation. CODIS is a master database for all law enforcement agencies to submit and retrieve DNA samples of convicted violent offenders. Since beginning its operation in 1998, the system has worked extremely well in assisting law enforcement by matching DNA evidence with possible suspects and has accounted for the capture of over 200 suspects in unsolved violent crimes.

However, because of the high volume of convicted offender samples needed to be analyzed, a nationwide backlog of approximately 600,000 unanalyzed convicted offender DNA samples has formed. Furthermore, because the program has been so vital in assisting crime fighting and prevention efforts, our States are expanding their collection efforts. Recently, New York State Governor George Pataki enacted legislation to expand the State's collection of DNA samples to require all violent felons and a number of non-violent felony offenders, and, earlier this year, the use of the expanded system resulted in charges being filed in a 20-year-old Westchester County murder.

State forensic laboratories have also accumulated a backlog of evidence for cases for which there are no suspects. These are evidence "kits" for unsolved violent crimes which are stored away because our State forensic laboratories do not have the support necessary to analyze them and compare the evidence to our nationwide data bank. Presently, there are approximately 12,000 rape cases in New York City alone, and, it is estimated, approximately 180,000 rape cases nationwide, which are unsolved and unanalyzed. This number represents a dismal future for the success of CODIS and reflects the growing problem facing our law enforcement community. The DNA Analysis Backlog Elimination Act will

provide States with the support necessary to combat these growing backlogs. The successful elimination of both the convicted violent offender backlog and the unsolved casework backlog will play a major role in the future of our State's crime prevention and law enforcement efforts.

The DNA Analysis Backlog Elimination Act will also provide funding to the Federal Bureau of Investigation to eliminate their unsolved casework backlog and close a loophole created by the original legislation. Although all 50 States require DNA collection from designated convicted offenders, for some inexplicable reason, convicted Federal, District of Columbia and military offenders are exempt, H.R. 4640 closes that loophole by requiring the collection of samples from any Federal, Military, or D.C. offender convicted of a violent crime.

Mr. Speaker, as you are aware, our Nation's fight against crime is never over. Everyday, the use of DNA evidence is becoming a more important tool to our Nation's law enforcement in solving crimes, convicting the guilty and exonerating the innocent. The Justice Department estimates that erasing the convicted offender backlog nationwide could resolve at least 600 cases. The true amount of unsolved cases, both State and Federal, which may be concluded through the elimination of both backlogs is unknown. However, if one more case is solved and one more violent offender is detained because of our efforts, we have succeeded.

In conclusion, we must ensure that our Nation's law enforcement has the equipment and support necessary to fight violent crime and protect our communities. The DNA Analysis Backlog Elimination Act will assist our local, State and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

Accordingly, I urge full support for the measure.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS 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. 1898) to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. 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 to explain the purpose of his request.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, this bill, S. 1898, is the Interstate Transportation of Dangerous Criminals Act of 2000, also known as Jeanna's Act, which passed the other body by unanimous consent on October 25 of this year.

Every year thousands of violent felons are moved from prison to prison on our Nation's highways. Many of these criminals are transported by the U.S. Marshals Service and the Federal Bureau of Prisons. However, as the number of criminals in State prisons continues to rise, many States now rely heavily on private prisoner transportation companies to move prisoners from State to State. Because there is no uniform set of standards and procedures for these prisoner transport companies to follow, the results are sometimes disastrous when prisoners escape.

A major reason for escapes from prisoner transport companies is the lack of approved standards for the private transport of dangerous prisoners. Anyone with a vehicle and a driver's license can engage in this business and with very little accountability when things go wrong.

S. 1898 seeks to increase public safety by requiring the Attorney General to establish minimum standards and requirements for companies engaging in the business of transporting violent offenders. S. 1898 provides that any person who violates the regulations to be promulgated by the Attorney General shall be liable for a civil penalty in an amount not to exceed \$10,000 for each violation and shall make restitution to the government for the money expended to apprehend any prisoner who escapes.

Mr. Speaker, it is absolutely essential that we put in place minimum standards for the transport of prisoners by private transport companies. S. 1898 will do that. I certainly urge my colleagues to support this legislation.

I might add that this is probably the final bill, I would assume it will be, of this Congress that comes forward that the Subcommittee on Crime of the Committee on the Judiciary produces here on the House floor. It is also the final one that I think I will get to offer as a Member of this body. I want to thank the gentleman from Virginia (Mr. SCOTT) in particular and all the members of the Subcommittee on Crime of the Committee on the Judiciary and our staffs on both sides for their wonderful cooperation over the past 2 years, for that matter over the past 6 years, I have been privileged to be chairman of the Subcommittee on Crime. This is one of a series of many products that we have produced and has been done often, as many of these pieces of legislation have, in very bipartisan, cooperative fashion with the gentleman from Virginia and the other

members. I want to thank him for that. It is not a controversial bill as many are not, but it has been a great privilege to serve in this body and a great privilege to have served as chairman of this subcommittee.

Mr. SCOTT. Mr. Speaker, reclaiming my time, I would first point out that as the gentleman from Florida mentioned, this bill addresses important concerns and therefore ought to be passed.

Let me congratulate the gentleman from Florida for his tireless efforts over the past few years as chairman of the Subcommittee on Crime and for his ability to work constructively even with those who disagreed with him on the particular bills, constructively on working towards fashioning legislation that would help the Nation. He has led the effort in addressing the Congress' efforts on the issue of crime. He has done it in a constructive way. We have been able to work together even when we disagreed. For that, Mr. Speaker, I want to thank the gentleman for his service and wish him well.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1898

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 "Interstate Transportation of Dangerous Criminals Act of 2000" or "Jeanna's Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners.

(2) The transport process can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country.

(3) Escapes by violent prisoners during transport by private prisoner transport companies have occurred.

(4) Oversight by the Attorney General is required to address these problems.

(5) While most governmental entities may prefer to use, and will continue to use, fully trained and sworn law enforcement officers when transporting violent prisoners, fiscal or logistical concerns may make the use of highly specialized private prisoner transport companies an option. Nothing in this Act should be construed to mean that governmental entities should contract with private prisoner transport companies to move violent prisoners; however when a government entity opts to use a private prisoner transport company to move violent prisoners, then the company should be subject to regulation in order to enhance public safety.

SEC. 3. DEFINITIONS.

In this Act:

(1) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 924(c)(3) of title 18, United States Code.

(2) PRIVATE PRISONER TRANSPORT COMPANY.—The term "private prisoner transport company" means any entity, other than the United States, a State, or an inferior political subdivision of a State, which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of an inferior political subdivision of a State, or any attempt thereof.

(3) VIOLENT PRISONER.—The term "violent prisoner" means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the American Correctional Association and the private prisoner transport industry, shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(b) STANDARDS AND REQUIREMENTS.—The regulations shall include the following:

(1) Minimum standards for background checks and preemployment drug testing for potential employees, including requiring criminal background checks, to disqualify persons with a felony conviction or domestic violence conviction as defined by section 921 of title 18, United States Code, for eligibility for employment. Preemployment drug testing will be in accordance with applicable State laws.

(2) Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appropriate weapons and firearms, CPR, map reading, and defensive driving.

(3) Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.

(4) Minimum standards for the number of personnel that must supervise violent prisoners. Such standards shall provide the transport entity with appropriate discretion, and, absent more restrictive requirements contracted for by the procuring government entity, shall not exceed a requirement of 1 agent for every 6 violent prisoners.

(5) Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.

(6) Standards establishing categories of violent prisoners required to wear brightly colored clothing clearly identifying them as prisoners, when appropriate.

(7) Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.

(8) A requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction.

(9) A requirement that in the event of an escape by a violent prisoner, private prisoner

transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

(10) Minimum standards for the safety of violent prisoners in accordance with applicable Federal and State law.

(c) FEDERAL STANDARDS.—Except for the requirements of subsection (b)(6), the regulations promulgated under this Act shall not provide stricter standards with respect to private prisoner transport companies than are applicable, without exception, to the United States Marshals Service, Federal Bureau of Prisons, and the Immigration and Naturalization Service when transporting violent prisoners under comparable circumstances.

SEC. 5. ENFORCEMENT.

(a) PENALTY.—Any person who is found in violation of the regulations established by this Act shall—

(1) be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each violation and, in addition, to the United States for the costs of prosecution; and

(2) make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to section 4(a).

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.

REMEMBERING PEARL HARBOR DAY AND OUR NATION'S HEROES

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

Mr. GIBBONS. Mr. Speaker, on this day in 1941, Japan attacked and launched a sudden stealth attack on the United States by bombing the naval base in Pearl Harbor, Hawaii. This sneak attack on Pearl Harbor caused widespread destruction and death, similar to the devastation and destruction that would become an all too unfortunate characteristic of World War II.

This day, which will live in infamy, began our Nation's involvement in a war which Americans will never forget. Our World War II veterans served our Nation proudly and made great sacrifices to protect our country and our future. As a veteran myself, I greatly admire the courage and fortitude of those who served in World War II.

The United States is the leader of the world today because of their valiant contributions. On this solemn day, Mr. Speaker, I encourage every Member to take a moment and recognize the service and sacrifice of our veterans, especially those Americans who had to witness two world wars in one century. You made our Nation what it is today. We all thank you.

TRIBUTE TO HIGHER EDUCATION IN NEW JERSEY

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

Mr. PASCRELL. Mr. Speaker, it is with great pride that I rise today and bring attention to a report that was recently released by the National Center for Public Policy and Higher Education. The report, entitled "Measuring Up 2000," found New Jersey is among the country's best places to live for families that have college-bound students in their household.

One reason is that New Jersey's elementary and secondary education rates are among the top in the Nation which is what prepares our college-bound students. In fact, New Jersey students have a 92 percent high school graduation rate and high SAT and advance placement scores. Fifty-four percent of high school freshmen enrolled in college after completion of high school and 39 percent of 18- to 24-year-olds enrolled in college.

New Jersey's institutions of higher learning also achieved high scores in categories such as preparation, participation, benefits, and affordability.

As a former teacher and Congressman for the Eighth Congressional District, I am very proud of this report. I ask all the Members to read it. I think it would be very worthwhile.

WORKING TOGETHER ON ENERGY POLICY

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

Mr. KNOLLENBERG. Mr. Speaker, despite years of record economic expansion, there are storm clouds gathering on the horizon. One of those dark clouds is American energy policy, which for the last 8 years has been, in effect, an anti-energy policy, thwarting domestic energy supplies and driving up costs with needless regulations.

As winter sets in, natural gas and crude oil prices are at record levels and it is the American worker who must shoulder these increases. As Governor Bush points out, we need to unite across party lines and work together for the American people. Formulating a new domestic energy policy is a perfect place to start.

Together we can ensure that new energy technologies receive proper R&D funding. We can reduce our over-reliance on foreign oil through environmentally sound domestic production. We can reduce pollution without resorting to flawed emissions trading schemes; and we can combine forces to see that clean coal, natural gas, nuclear, and hydro continue to provide the reliable and safe energy that drives the U.S. economy.

ON ELECTORAL COLLEGE REFORM

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

Mr. ENGEL. Mr. Speaker, the election mess in Florida and the closeness of the election throughout the Nation has cemented the fact that we must reform the electoral college.

Today, I have introduced legislation to amend the Constitution to provide two middle-of-the-road options. Neither will totally scrap the system, yet both will allow the voters more of a voice in electing the President.

The first resolution, or the proportional plan, will change the electoral college system by awarding electoral votes in each State based on the percentage of the popular vote gained by each ticket in that State. For instance, if one candidate got 60 percent of the popular vote in a State, he would get 60 percent of the electoral votes of that State and the other candidate getting 40 percent would get 40 percent of the votes in that State.

The second bill, or the district plan, will award one electoral vote to the candidate who wins in each congressional district in the country with the additional two electoral votes of each State awarded to the winner of the popular vote in each State.

□ 1530

This plan is already in place in Maine and Nebraska, and several State legislatures are going to be considering adopting it. It just does not seem right, as we have the current situation in Florida, where all the electoral votes of that State hinge on a few hundred votes either way.

So I offer these two proposals as a way to begin the discussion and further this debate. There is a place for tradition in our country and a place for reform, and I think these proposals offer an equitable balance between the two.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will proceed to recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMENDING SOUTH DAKOTA'S WILL MERCHEN AND JOSH HEUPEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from South