

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3735

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3735, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 3751

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. BROWN), the Senator from California (Mrs. FEINSTEIN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 3751, a bill to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3755

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3755, a bill to ensure fairness in admiralty and maritime law and for other purposes.

S. 3775

At the request of Mr. TESTER, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 3775, a bill to improve prostate cancer screening and treatment, particularly in medically underserved communities, and for other purposes.

S. 3786

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3786, a bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.

S. 3802

At the request of Mr. BEGICH, his name was added as a cosponsor of S. 3802, a bill to designate a mountain and icefield in the State of Alaska as the "Mount Stevens" and "Ted Stevens Icefield", respectively.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from New York

(Mrs. GILLIBRAND), the Senator from Missouri (Mrs. McCASKILL) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3816

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3816, a bill to amend the Internal Revenue Code of 1986 to create American jobs and to prevent the offshoring of such jobs overseas.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 278

At the request of Mrs. GILLIBRAND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 278, a resolution honoring the Hudson River School painters for their contributions to the United States Senate.

S. RES. 631

At the request of Mrs. LINCOLN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Washington (Mrs. MURRAY) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. Res. 631, a resolution designating the week beginning on November 8, 2010, as National School Psychology Week.

S. RES. 646

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 646, a resolution designating Thursday, November 18, 2010, as "Feed America Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself, Mr. MERKLEY, and Mr. BURR):

S. 3841. A bill to amend title 18, United States Code, to prohibit the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos that depict obscene acts of animal cruelty, and for other purposes; to the Committee on the Judiciary.

Mr. KYL. Mr. President, today, Senators MERKLEY and BURR and I are introducing the Animal Crush Video Prohibition Act of 2010. The bill would criminalize the creation, sale, distribution, advertising, marketing, and exchange of animal crush videos. Representative GALLEGLY has sponsored a House companion bill, the Prevention of Interstate Commerce in Animal Crush Videos Act, H.R. 5566.

Animal crush videos often depict obscene, extreme acts of animal cruelty designed to appeal to a specific, prurient sexual fetish. These crush videos were the target of a 1999 Federal statute that the United States Supreme Court struck down earlier this year in *U.S. v. Stevens*. In *Stevens*, the Supreme Court overturned the 1999 Act banning depictions of animal cruelty on the basis that it was unconstitutionally overbroad, in violation of the First Amendment.

The *Stevens* case did not involve crush videos and the Court specifically stated that it was not deciding whether a statute limited to crush videos would be constitutional. Instead it left the door open for Congress to enact a narrowly tailored ban on animal crush videos.

Our legislation would ban animal crush videos that fit squarely within the obscenity doctrine, a well-established exception to the First Amendment. The Senate Judiciary Committee received testimony earlier this month on the obscene nature of crush videos. Dr. Kevin Volkan, a psychology professor with an expertise in atypical psychopathologies, testified about the sexual nature of crush videos and the specific paraphilias associated with them. He stated that in his professional opinion the crush videos contain elements of specific forms of paraphilia in varying degrees and that people, usually men, watch crush videos for sexual gratification. The Humane Society's two crush video investigations also confirm the inherent sexual nature of many crush videos. Those investigations also found a growing market for custom-made videos for those with crush paraphilia.

The United States also has a long history of prohibiting speech that is essential to criminal conduct. In the case of animal crush videos, the videos themselves drive the criminal conduct depicted in them. Every State and the District of Columbia have laws criminalizing the animal cruelty depicted in the videos, but these laws are hard to enforce. The acts of extreme animal cruelty are committed secretly and anonymously. The nature of the videos also makes it difficult to determine when and where the crimes occurred or that the crime occurred within the relevant statute of limitations. These prosecutorial difficulties are confirmed by the Association of Prosecuting Attorneys. Given the difficulty in prosecuting the underlying conduct using

state law, the integral connection between the video and the criminal conduct, and the recent proliferation of animal crush videos on the Internet since the Stevens decision, it is necessary for Congress to enact a new Federal law targeting the interstate distribution network for animal crush videos.

This measure will also take an important step by banning non-commercial distribution of animal crush videos. We believe this is necessary given the nature of the Internet and the propagation of file-sharing and peer-to-peer networks that exist today. Similar to other Federal criminal statutes that prohibit non-commercial distribution, there is an exception for law enforcement purposes.

I want to thank Senators LEAHY and SESSIONS and their staffs for their assistance in addressing this important issue and holding a hearing on the topic in the Senate Judiciary Committee. I also want to thank the Humane Society for bringing this issue to Congress' attention and working tirelessly to address it.

I urge my Senate colleagues to support this legislation and work with me to swiftly enact it.

By Mr. LEAHY (for himself, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. 3842. A bill 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; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am proud to introduce the Justice for All Reauthorization Act of 2010, together with Senator FRANKEN. The Justice for All Act, passed in 2004, was an unprecedented bipartisan piece of criminal justice legislation and the most significant step Congress had taken in many years to improve the quality of justice in this country, and to restore public confidence in the integrity of the American justice system. After several hearings and much work, today we begin in earnest the process of building on that foundation to go still further to ensure our criminal justice system works fairly and effectively for all Americans.

In 2000, I introduced the Innocence Protection Act, which aimed to improve the administration of justice by ensuring that defendants in the most serious cases receive competent rep-

resentation and, where appropriate, access to post-conviction DNA testing necessary to prove their innocence in those cases where the system got it grievously wrong.

The Innocence Protection Act became a key component of the Justice for All Act, along with important provisions to ensure that crime victims would have the rights and protections they need and deserve, and that States and communities would take major steps to reduce the backlog of untested rape kits and give prompt justice for victims of sexual assault. These and other important criminal justice provisions made the Justice for All Act a groundbreaking achievement in criminal justice reform.

The programs created by the Justice For All Act have had an enormous impact, and it is crucial that we reauthorize them. Unfortunately, the Committee's hearings and recent headlines have made clear that simply reauthorizing the existing law is not enough. Significant problems remain, and we must work together to address them.

In too many communities around the country, large numbers of untested rape kits have come to light, many of which have not even made their way to crime labs. It is unacceptable that rape victims must still live in fear and wait for justice. We must act to fix this continuing problem.

We have also seen too many cases of people found to be innocent after spending years in jail, and we have faced the harrowing possibility that the unthinkable may have happened: the State of Texas may have executed an innocent man. We must act to ensure that our criminal justice system works as it should so that relevant evidence is tested and considered and all defendants receive quality representation.

I thank Senator FRANKEN for working with me on these important issues and helping to craft this important bill. I also appreciate the Republican Senators, including Senators SESSIONS and GRASSLEY, who have provided input for this bill and participated in the process. I am confident that this legislation will be enacted in a bipartisan fashion, just as the original Justice for All Act was, and I look forward to working with Democrats and Republicans to reach that goal.

The original Justice for All Act included the Debbie Smith DNA Backlog Reduction Program, which authorized significant funding to reduce the backlog of untested rape kits so that victims need not live in fear while kits languish in storage. That program is named after Debbie Smith, who lived in fear for years after being attacked before her rape kit was tested and the perpetrator was caught. She and her husband Rob have worked tirelessly to ensure that others need not experience the ordeal she went through. I thank

Debbie and Rob for their continuing help on this extremely important cause.

Since we passed this important law in 2004, the Debbie Smith Act has resulted in hundreds of millions of dollars going to States for the testing of DNA samples to reduce backlogs. I have worked with Senators of both parties to ensure full funding for the Debbie Smith Act each year.

As I have researched the problem of untested rape kits, there is one thing that I have heard again and again: the Debbie Smith program has been working and is making a major difference. I have heard from the Justice Department, the States, including Vermont, law enforcement, and victims' advocates, that Debbie Smith grants have led to significant and meaningful backlog reductions and to justice for victims in jurisdictions across the country.

Unfortunately, despite the good strides we have made and the significant Federal funding for these efforts, we have seen alarming reports of continuing backlogs. A 2008 study found 12,500 untested rape kits in the Los Angeles area alone. While Los Angeles has since made progress in addressing the problem, other cities have now reported backlogs almost as severe. The Justice Department released a report last year finding that in 18 percent of open, unsolved rape cases, evidence had not even been submitted to a crime lab.

That Justice Department study gets to a key component of this problem that has not yet been addressed. No matter how much money we send to crime labs for testing, if samples that could help close cases instead sit on the shelf in police evidence rooms and never make it to the lab, that money will do no good. Police officers must understand the importance of testing this vital evidence and must learn when testing is appropriate and necessary. In too many jurisdictions, rape kits taken from victims who put themselves through further hardship to take these samples—rape kits that could help law enforcement to get criminals off the street—are sitting untested.

The bill we introduce today will finally address this part of the problem by mandating that the Department of Justice develop practices and protocols for the processing of DNA evidence and provide technical assistance to State and local governments to implement those protocols. The bill authorizes funding to States and communities to reduce their rape kit backlogs at the law enforcement stage by training officers, improving practices, developing evidence tracking systems, and taking other key steps to make sure that this crucial evidence gets to the labs to be tested.

The bill will also help us get to the bottom of this problem by calling for the development of a standardized definition of "backlog," covering both the

law enforcement and lab stages, and by implementing public reporting requirements to help us to identify where the backlogs are. It also takes steps to ensure that labs test DNA samples in the best order so that those samples which can help secure justice for rape victims are tested most quickly. It will also put into place new accountability requirements to make sure that Debbie Smith Act money is being spent effectively and appropriately.

The bill makes important changes to existing law to ensure that no rape victims are ever required to pay for testing of their rape kits, and that these costs are covered with no strings attached. Senator FRANKEN has been a strong advocate of this important provision, and I thank him for his help.

We have also taken important new steps to ensure that defendants in serious cases receive adequate representation and, where appropriate, testing of relevant DNA samples. As a former prosecutor, I have great faith in the men and women in law enforcement, and I know that in the vast majority of cases, our criminal justice system does work fairly and effectively. I also know, however, that the system only works as it should when each side is well represented by competent and well-trained counsel, and when all relevant evidence is retained and tested. Sadly, we learn regularly of defendants released after new evidence exonerates them. We must do better. It is an outrage when an innocent person is punished, and it is doubly an outrage that, in those cases, the guilty person remains on the streets, able to commit more crimes, which makes all of us less safe.

This legislation takes important new steps to ensure that all criminal defendants, including those who cannot afford a lawyer, receive constitutionally adequate representation. It requires the Department of Justice to assist States that want help developing an effective and efficient system of indigent defense, and it establishes a cause of action for the Federal Government to step in when States are systematically failing to provide the representation called for in the Constitution.

This is a reasonable measure that gives the States assistance and time needed to make necessary changes and seeks to provide an incentive for States to do so. Prosecutors and defense attorneys recognize the importance of quality defense counsel. Houston District Attorney Patricia Lykos testified, quite persuasively, before the Judiciary Committee about how competent defense attorneys help her do her job as a prosecutor even better. I have also learned through this process that the most effective systems of indigent defense are not always the most expensive. In some cases, making the necessary changes may also save States money.

This legislation will also help ensure that the innocent are not punished while the guilty remain free by strengthening the Kirk Bloodsworth Post Conviction DNA Testing Grant Program, one of the key programs created in the Innocence Protection Act. Kirk Bloodsworth was a young man just out of the Marines when he was arrested, convicted, and sentenced to death for a heinous crime that he did not commit. He was the first person in the United States to be exonerated from a death row crime through the use of DNA evidence.

This program provides grants to States for testing in cases like Kirk's where someone has been convicted, but where significant DNA evidence was not tested. The last administration resisted implementing the program for several years, but we worked hard to see the program put into place. Now, money has gone out to a number of States, and the Committee has heard strong testimony that the program is making an impact. The legislation we introduce today expands the very modest authorization of funds to this important program and clarifies the conditions set for this program so that participating States are required to preserve key evidence, which is crucial, but are required to do so in a way that is attainable and will allow more States to participate.

The bill also asks states to produce comprehensive plans for their criminal justice systems, which will help to ensure that criminal justice systems operate effectively as a whole and that all parts of the system work together and receive the resources they need. The bill reauthorizes and improves key grant programs in a variety of areas throughout the criminal justice system. Importantly, it increases authorized funding for the Paul Coverdell Forensic Science Improvement Grant program, which is a vital program to assist forensic laboratories in performing the many forensic tests that are essential to solving crimes and prosecuting perpetrators. I appreciate Senator SESSIONS' longstanding support for this important program.

Finally, the legislation strengthens rights for victims of crime. It gives crime victims an affirmative right to be informed of all of their rights under the Crime Victims' Rights Act and other key laws, and it takes several steps to make it easier for crime victims to assert their legal rights in court. I thank Senators FEINSTEIN and KYL for their leadership in this area and their assistance in developing these provisions.

In these times of tight budgets, it is important to note that this bill would make all of these improvements without increasing total authorized funding under the Justice For All Act and that many of these changes will help States, communities, and the Federal Government save money in the long term.

Today, we rededicate ourselves to building a criminal justice system in which the innocent remain free, the guilty are punished, and all sides have the tools, resources, and knowledge they need to advance the cause of justice. Americans need and deserve a criminal justice system which keeps us safe, ensures fairness and accuracy, and fulfills the promise of our constitution. This bill will take important steps to bring us closer to that goal. I hope there will be strong bipartisan support for these efforts moving forward.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3842

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 "Justice for All Reauthorization Act of 2010".

SEC. 2. CRIME VICTIMS' RIGHTS.

Section 3771 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

"(9) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.";

(2) in subsection (d)(3), in the fifth sentence, by inserting ", unless the litigants, with the approval of the court, have stipulated to a different time period for consideration" before the period; and

(3) in subsection (e)—

(A) by striking "this chapter, the term" and inserting the following: "this chapter:

"(1) COURT OF APPEALS.—The term 'court of appeals' means—

"(A) for a violation of the United States Code, the United States court of appeals for the judicial district in which a defendant is being prosecuted; and

"(B) for a violation of the District of Columbia Code, the District of Columbia Court of Appeals.

"(2) CRIME VICTIM.—

"(A) IN GENERAL.—The term";

(B) by striking "In the case" and inserting the following:

"(B) MINORS AND CERTAIN OTHER VICTIMS.—In the case"; and

(C) by adding at the end the following:

"(3) DISTRICT COURT; COURT.—The terms 'district court' and 'court' include the Superior Court of the District of Columbia.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CRIME VICTIMS.

(a) CRIME VICTIMS LEGAL ASSISTANCE GRANTS.—Section 103(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2264) is amended—

(1) in paragraph (1), by striking "\$2,000,000" and all that follows through "2009" and inserting "\$5,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015";

(2) in paragraph (2), by striking "\$2,000,000" and all that follows through "2009," and inserting "\$5,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015";

(3) in paragraph (3), by striking “\$300,000” and all that follows through “2009,” and inserting “\$500,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015”;

(4) in paragraph (4), by striking “\$7,000,000” and all that follows through “2009,” and inserting “\$11,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015”; and

(5) in paragraph (5), by striking “\$5,000,000” and all that follows through “2009,” and inserting “\$7,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015”.

(b) **CRIME VICTIMS NOTIFICATION GRANTS.**—Section 1404E(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603e(c)) is amended by striking “this section—” and all that follows and inserting “this section \$5,000,000 for each of the fiscal years 2011, 2012, 2013, 2014 and 2015.”

SEC. 4. DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

(a) **IN GENERAL.**—Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended to read as follows:

“SEC. 2. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘backlog for DNA case work’ has the meaning given that term by the Director, in accordance with subsection (b)(3);

“(2) the term ‘Combined DNA Index System’ means the Combined DNA Index System of the Federal Bureau of Investigation;

“(3) the term ‘Director’ means the Director of the National Institute of Justice;

“(4) the term ‘emergency response provider’ has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101); and

“(5) the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

“(b) **ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS OF EVIDENCE BACKLOG FOR DNA CASE WORK.**—

“(1) **PROTOCOLS AND PRACTICES.**—Not later than 18 months after the date of enactment of the Justice for All Reauthorization Act of 2010, the Director shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence, including—

“(A) how to determine—

“(i) which evidence is to be collected by law enforcement personnel and forwarded for testing;

“(ii) the preferred order in which evidence from the same case is to be tested; and

“(iii) the preferred order in which evidence from different cases is to be tested;

“(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

“(C) the establishment of reasonable periods of time in which each stage of analytical laboratory testing is to be completed; and

“(D) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested.

“(2) **TECHNICAL ASSISTANCE AND TRAINING.**—The Director shall make available technical

assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

“(3) **DEFINITION OF BACKLOG FOR DNA CASE WORK.**—The Director shall develop and publish a definition of the term ‘backlog for DNA case work’ for purposes of this section—

“(A) taking into consideration the different stages at which a backlog may develop, including the investigation and prosecution of a crime by law enforcement personnel, prosecutors, and others, and the laboratory analysis of crime scene samples; and

“(B) which may include different criteria or thresholds for the different stages.

“(C) **AUTHORIZATION OF GRANTS FOR THE COLLECTION AND PROCESSING OF DNA EVIDENCE BY LAW ENFORCEMENT.**—

“(1) **PURPOSE.**—The Attorney General may make grants to States or units of local government which may be used to—

“(A) ensure that the collection and processing of DNA evidence from crimes, including sexual assault and other serious violent crimes, is carried out in an appropriate and timely manner;

“(B) eliminate existing backlogs for DNA case work, including backlogs from sexual assault cases; and

“(C) ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested.

“(2) **APPLICATION.**—A State or unit of local government desiring a grant under this subsection shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require, which shall include—

“(A) providing assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of the application, a comprehensive plan for the expeditious collection and processing of DNA evidence in accordance with this section; and

“(B) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for the purpose specified in each of subparagraphs (A), (B), and (C) of paragraph (1).

“(3) **COLLECTION AND PROCESSING OF SAMPLES.**—A plan described in paragraph (2)(A)—

“(A) shall require a State or unit of local government to—

“(i) adopt the appropriate protocols and practices developed under subsection (b)(1); and

“(ii) ensure that emergency response providers, law enforcement personnel, prosecutors, and crime laboratory personnel within the jurisdiction of the State or unit of local government receive training on the content and appropriate use of the protocols and practices; and

“(B) may include the development and implementation within the State or unit of local government of an evidence tracking system to ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, defense counsel, courts, crime laboratory personnel, and crime victims regarding the status of crime scene evidence subject to DNA analysis.

“(4) **REPORTING AND PUBLICATION OF DNA BACKLOGS.**—

“(A) **IN GENERAL.**—A plan described in paragraph (2)(A) shall require a State or unit

of local government to submit to the Attorney General an annual report reflecting the current backlog for DNA case work within the jurisdiction in which the funds are used, which shall include—

“(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work and the percentage of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

“(ii) for each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government in which work necessary to complete the DNA analysis is pending; and

“(iii) any other information the Attorney General determines appropriate.

“(B) **COMPILATION.**—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

“(d) **AUTHORIZATION OF GRANTS FOR DNA TESTING AND ANALYSIS BY LABORATORIES.**—

“(1) **PURPOSE.**—The Attorney General may make grants to States or units of local government to—

“(A) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples collected under applicable legal authority;

“(B) carry out, for inclusion in the Combined DNA Index System, DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect;

“(C) increase the capacity of laboratories owned by the State or unit of local government to carry out DNA analyses of samples specified in subparagraph (A) or (B);

“(D) collect DNA samples specified in subparagraph (A); and

“(E) ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

“(2) **APPLICATION.**—A State or unit of local government desiring a grant under this subsection shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require, which shall include—

“(A) providing assurances that the State or unit of local government has implemented, or will implement not later than 120 days after the date of the application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

“(B) certifying that each DNA analysis carried out under the plan shall be maintained in accordance with the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

“(C) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use to carry out DNA analyses of samples described in paragraph (1)(A) and the percentage of the amounts the State or unit of local government shall use to carry out DNA analyses of samples described in paragraph (1)(B);

“(D) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for a purpose described in paragraph (1)(C);

“(E) if submitted by a unit of local government, certifying that the unit of local government has taken, or is taking, all necessary steps to ensure that the unit of local government is eligible to include in the Combined DNA Index System, directly or

through a State law enforcement agency, all analyses of samples for which the unit of local government has requested funding; and

“(F) specifying the percentage of the amounts received under the grant that the State or unit of local government shall use for the purpose described in paragraph (1)(D).

“(3) ANALYSIS OF SAMPLES.—

“(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require that, except as provided in subparagraph (C), each DNA analysis be carried out in a laboratory that—

“(i) satisfies quality assurance standards; and

“(ii) is—

“(I) operated by the State or a unit of local government; or

“(II) operated by a private entity pursuant to a contract with the State or a unit of local government.

“(B) QUALITY ASSURANCE STANDARDS.—

“(i) IN GENERAL.—The Director of the Federal Bureau of Investigation shall maintain and make available to States and units of local government a description of quality assurance protocols and practices that the Director of the Federal Bureau of Investigation considers adequate to assure the quality of a forensic laboratory.

“(ii) EXISTING STANDARDS.—For purposes of this paragraph, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 210304(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).

“(4) USE OF VOUCHERS OR CONTRACTS FOR CERTAIN PURPOSES.—

“(A) IN GENERAL.—A grant for a purpose specified in subparagraph (A), (B), (E), or (F) of paragraph (1) may be made in the form of a voucher or contract for laboratory services, even if the laboratory makes a reasonable profit for the services.

“(B) REDEMPTION.—A voucher or contract under subparagraph (A) may be redeemed at a laboratory operated on a nonprofit or for-profit basis, by a private entity that satisfies quality assurance standards and has been approved by the Attorney General.

“(C) PAYMENTS.—The Attorney General may use amounts appropriated to carry out this section to make payments to a laboratory described under subparagraph (B).

“(5) REPORTING AND PUBLICATION OF DNA BACKLOGS.—

“(A) IN GENERAL.—A plan described in paragraph (2)(A) shall require the State or unit of local government to submit to the Attorney General an annual report reflecting the backlog for DNA case work within the jurisdiction in which the funds will be used, which shall include—

“(i) a specific breakdown of the number of sexual assault cases that are in a backlog for DNA case work and the percentage of the amounts received under the grant allocated to reducing the backlog of DNA case work in sexual assault cases;

“(ii) for each case that is in a backlog for DNA case work, the identity of each agency, office, or contractor of the State or unit of local government in which work necessary to complete the DNA analysis is pending; and

“(iii) any other information the Attorney General determines appropriate.

“(B) COMPILATION.—The Attorney General shall annually compile and publish the reports submitted under subparagraph (A) on the website of the Department of Justice.

“(e) FORMULA FOR DISTRIBUTION OF GRANTS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Attorney General shall dis-

tribute grant amounts, and establish appropriate grant conditions under this section, in conformity with a formula or formulas that are designed to effectuate a distribution of funds among States and units of local government applying for grants under this section that—

“(A) maximizes the effective use of DNA technology to solve crimes and protect public safety; and

“(B) allocates grants among States and units of local government fairly and efficiently, across rural and urban jurisdictions, to address States and units of local government in which significant backlogs for DNA case work exist, by considering—

“(i) the number of offender and casework samples awaiting DNA analysis in a State or unit of local government;

“(ii) the population in the State or unit of local government;

“(iii) the number of part 1 violent crimes in the State or unit of local government; and

“(iv) the availability of resources to train emergency response providers, law enforcement personnel, prosecutors, and crime laboratory personnel on the effectiveness of appropriate and timely DNA collection, processing, and analysis.

“(2) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125 percent of the total amount appropriated in a fiscal year for grants under this section.

“(3) LIMITATION.—In distributing grant amounts under paragraph (1), the Attorney General shall ensure that for each of fiscal years 2011 through 2015, not less than 40 percent of the grant amounts are awarded for purposes described in subsection (d)(1)(B).

“(f) RESTRICTIONS ON USE OF FUND.—

“(1) NONSPLANTING.—Funds made available under this section shall not be used to supplant funds of a State or unit of local government, and shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from the State or unit of local government for the purposes described in this Act.

“(2) ADMINISTRATIVE COSTS.—A State or unit of local government may not use more than 3 percent of the amounts made available under a grant under this section for administrative expenses relating to the grant.

“(g) REPORTS TO THE ATTORNEY GENERAL.—Each State or unit of local government that receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section are expended, a report at such time and in such manner as the Attorney General may reasonably require, that contains—

“(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and

“(2) such other information as the Attorney General may require.

“(h) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to Congress a report that includes—

“(1) the aggregate amount of grants made under this section to each State or unit of local government for the fiscal year;

“(2) a summary of the information provided by States or units of local government receiving grants under this section; and

“(3) a description of the priorities and plan for awarding grants among eligible States and units of local government, and how the plan will ensure the effective use of DNA technology to solve crimes and protect public safety.

“(i) EXPENDITURE RECORDS.—

“(1) IN GENERAL.—Each State or unit of local government that receives a grant under this section shall keep such records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

“(2) ACCESS.—Each State or unit of local government that receives a grant under this section shall make available, for the purpose of audit and examination, any records relating to the receipt or use of the grant.

“(j) USE OF FUNDS FOR ACCREDITATION AND AUDITS.—The Attorney General may distribute not more than 1 percent of the amounts made available for grants under this section for a fiscal year—

“(1) to States or units of local government to defray the costs incurred by laboratories operated by each such State or unit of local government in preparing for accreditation or reaccreditation;

“(2) in the form of additional grants to States, units of local government, or nonprofit professional organizations of persons actively involved in forensic science and nationally recognized within the forensic science community to—

“(A) defray the costs of external audits of laboratories operated by the State or unit of local government, which participates in the National DNA Index System, to determine whether the laboratory is in compliance with quality assurance standards;

“(B) assess compliance with any plans submitted to the Director that detail the use of funds received by States or units of local government under this section; and

“(C) support capacity building efforts; and

“(3) in the form of additional grants to nonprofit professional associations actively involved in forensic science and nationally recognized within the forensic science community to defray the costs of training persons who conduct external audits of laboratories operated by States and units of local government and which participate in the National DNA Index System.

“(k) USE OF FUNDS FOR OTHER FORENSIC SCIENCES.—The Attorney General may make a grant under this section to a State or unit of local government to alleviate a backlog of cases with respect to a forensic science other than DNA analysis if the State or unit of local government—

“(1) certifies to the Attorney General that in such State or unit—

“(A) all of the purposes set forth in subsections (c) and (d) have been met;

“(B) there is not a backlog for DNA case work, as defined by the Director in accordance with subsection (b)(3); and

“(C) there is no need for significant laboratory equipment, supplies, or additional personnel for timely processing of DNA case work or offender samples; and

“(2) demonstrates to the Attorney General that the State or unit of local government requires assistance in alleviating a backlog of cases involving a forensic science other than DNA analysis.

“(1) EXTERNAL AUDITS AND REMEDIAL EFFORTS.—If a laboratory operated by a State

or unit of local government which has received funds under this section has undergone an external audit conducted to determine whether the laboratory is in compliance with standards established by the Director of the Federal Bureau of Investigation, and, as a result of the audit, identifies measures to remedy deficiencies with respect to the compliance by the laboratory with the standards, the State or unit of local government shall implement any such remediation as soon as practicable.

“(m) PENALTY FOR NONCOMPLIANCE.—

“(1) IN GENERAL.—The Attorney General shall annually compile a list of the States and units of local government receiving a grant under this section that have failed to provide the information required under subsection (c)(4)(A), (d)(5)(A), or (g). The Attorney General shall publish each list compiled under this paragraph on the website of the Department of Justice.

“(2) REDUCTION IN GRANT FUNDS.—For any State or local government that the Attorney General determines has failed to provide the information required under subsection (c)(4)(A), (d)(5)(A), or (g), the Attorney General may not award a grant under this section for the fiscal year after the fiscal year to which the determination relates in an amount that is more than 50 percent of the amount the State or local government would have otherwise received.

“(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsections (c) and (d) \$151,000,000 for each of fiscal years 2011 through 2015.”

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall evaluate the policies, standards, and protocols relating to the use of private laboratories in the analysis of DNA evidence, including the mandatory technical review of all outsourced DNA evidence by public laboratories prior to uploading DNA profiles into the Combined DNA Index System of the Federal Bureau of Investigation. The evaluation shall take into consideration the need to reduce DNA evidence backlogs while guaranteeing the integrity of the Combined DNA Index System.

(2) REPORT TO CONGRESS.—Not later than 30 days after the date on which the Director of the Federal Bureau of Investigation completes the evaluation under paragraph (1), the Director shall submit to Congress a report of the findings of the evaluation and any proposed policy changes.

(c) TRANSITION PROVISION.—

(1) DEFINITION.—In this subsection, the term “transition date” means the day after the latter of—

(A) the date on which the Director of the National Institute of Justice publishes a definition of the term “backlog for DNA case work” in accordance with section 2(b)(3) of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a); and

(B) the date on which the Director of the National Institute of Justice publishes a description of protocols and practices in accordance with section 2(b)(1) of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a).

(2) GRANT AUTHORITY.—Notwithstanding the amendments made by subsection (a)—

(A) the Attorney General may make grants under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135), as in effect on the day before the date of enactment of this Act, until the transition date; and

(B) the Attorney General may not make a grant under section 2 of the DNA Analysis Backlog Elimination Act of 2000, as amended by subsection (a), until the transition date.

SEC. 5. RAPE EXAM PAYMENTS.

Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4) is amended—

(1) in subsection (a)(1)—

(A) by striking “entity incurs the full” and inserting the following: “entity—
“(A) incurs the full”;

(B) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(B) coordinates with regional health care providers to notify victims of sexual assault of the availability of rape exams at no cost to the victims.”;

(2) in subsection (b)—

(A) in paragraph (1), by adding “or” at the end;

(B) in paragraph (2), by striking “; or” and inserting a period; and

(C) by striking paragraph (3); and

(3) in subsection (d), by striking “(d) RULE OF CONSTRUCTION.—” and all that follows through the end of paragraph (1) and inserting the following:

“(d) NONCOOPERATION.—

“(1) IN GENERAL.—To be in compliance with this section, a State, Indian tribal government, or unit of local government shall comply with subsection (b) without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.”.

SEC. 6. ADDITIONAL REAUTHORIZATIONS.

(a) DNA RESEARCH AND DEVELOPMENT.—Section 305(c) of the Justice for All Act of 2004 (42 U.S.C. 14136b(c)) is amended by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”.

(b) FBI DNA PROGRAMS.—Section 307(a) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2275) is amended by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”.

(c) DNA IDENTIFICATION OF MISSING PERSONS.—Section 308(c) of the Justice for All Act of 2004 (42 U.S.C. 14136d(c)) is amended by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”.

SEC. 7. PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.

Section 1001(a)(24) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended—

(1) in subparagraph (H), by striking “and” at the end;

(2) in subparagraph (I), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(K) \$35,000,000 for each of fiscal years 2011 through 2015.”.

SEC. 8. IMPROVING THE QUALITY OF REPRESENTATION IN STATE CAPITAL CASES.

Section 426 of the Justice for All Act of 2004 (42 U.S.C. 14163e) is amended—

(1) in subsection (a), by striking “\$75,000,000 for each of fiscal years 2005 through 2009” and inserting “\$50,000,000 for each of fiscal years 2011 through 2015”; and

(2) in subsection (b), by inserting before the period at the end the following: “; or upon a showing of good cause, and at the discretion of the Attorney General, the State may determine a fair allocation of funds across the uses described in sections 421 and 422.”.

SEC. 9. POST-CONVICTION DNA TESTING.

(a) IN GENERAL.—Section 3600 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)(i), by striking “death”; and

(B) in paragraph (3)(A), by striking “and the applicant did not—” and all that follows through “knowingly fail to request” and inserting “and the applicant did not knowingly fail to request”; and

(2) in subsection (g)(2)(B), by striking “death”.

(b) PRESERVATION OF BIOLOGICAL EVIDENCE.—Section 3600A(c) of title 18, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

SEC. 10. INCENTIVE GRANTS TO STATES TO ENSURE CONSIDERATION OF CLAIMS OF ACTUAL INNOCENCE.

(a) IN GENERAL.—Section 413 of the Justice for All Act of 2004 (42 U.S.C. 14136 note) is amended—

(1) in the matter preceding paragraph (1), by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”; and

(2) by striking paragraph (2) and inserting the following:

“(2) provide a certification by the chief legal officer of the State in which the eligible entity operates or the chief legal officer of the jurisdiction in which the funds will be used for the purposes of the grants, that the State or jurisdiction—

“(A) provides DNA testing of specified evidence under a State statute to persons convicted after trial and under a sentence of imprisonment or death for a State felony offense, in a manner that ensures a reasonable process for resolving claims of actual innocence consistent with section 3600(a) of title 18, United States Code (which may include making post-conviction DNA testing available in cases in which the testing would not be required under that section) and, if the results of the testing exclude the applicant as the perpetrator of the offense, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar the application as untimely; and

“(B) preserves biological evidence under a State statute or a State or local rule, regulation, or practice in a manner intended to ensure that reasonable measures are taken by the State or jurisdiction to preserve biological evidence secured in relation to the investigation or prosecution of a State felony offense (including, at a minimum murder, non-negligent manslaughter and sexual offenses) in a manner consistent with section 3600A of title 18, United States (which may require preservation of biological evidence for longer than the period of time that the evidence would be required to be preserved under that section).”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 412(b) of the Justice for All Act of 2004 (42 U.S.C. 14136e(b)) is amended—

(1) by striking “fiscal years 2005 through 2009” and inserting “fiscal years 2011 through 2015”; and

(2) by striking “\$5,000,000” and inserting “\$10,000,000”.

SEC. 11. ESTABLISHMENT OF NATIONAL STANDARDS PROMULGATED BY NIJ.

(a) IN GENERAL.—Subtitle A of title IV of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2278) is amended by adding at the end the following:

“SEC. 414. ESTABLISHMENT OF NATIONAL STANDARDS PROMULGATED BY NIJ.

“(a) IN GENERAL.—The Director of the National Institute of Justice shall—

“(1) establish best practices for evidence retention; and

“(2) assist State, local, and tribal governments in adopting and implementing the best practices established under paragraph (1).

“(b) DEADLINE.—Not later than 1 year after the date of enactment of this section, the Director of the National Institute of Justice shall publish the best practices established under subsection (a)(1).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2260) is amended by inserting after the item relating to section 413 the following:

“Sec. 414. Establishment of national standards promulgated by NIJ.”

SEC. 12. EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE.

(a) SHORT TITLE.—This section may be cited as the “Effective Administration of Criminal Justice Act of 2010”.

(b) STRATEGIC PLANNING.—Section 502 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended—

(1) by inserting “(a) IN GENERAL.—” before “To request a grant”; and

(2) by adding at the end the following:

“(6) A comprehensive State-wide plan detailing how grants received under this section will be used to improve the administration of the criminal justice system, which shall—

“(A) be designed in consultation with local governments, and all segments of the criminal justice system, including judges, prosecutors, law enforcement personnel, corrections personnel, and providers of indigent defense services, victim services, juvenile justice delinquency prevention programs, community corrections, and reentry services;

“(B) include a description of how the State will allocate funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

“(C) describe the process used by the State for gathering evidence-based data and developing and using evidence-based and evidence-gathering approaches in support of funding decisions; and

“(D) be updated every 5 years, with annual progress reports that—

“(i) address changing circumstances in the State, if any;

“(ii) describe how the State plans to adjust funding within and among each of the uses described in subparagraphs (A) through (G) of section 501(a)(1);

“(iii) provide an ongoing assessment of need;

“(iv) discuss the accomplishment of goals identified in any plan previously prepared under this paragraph; and

“(v) reflect how the plan influenced funding decisions in the previous year.

“(b) TECHNICAL ASSISTANCE.—

“(1) STRATEGIC PLANNING.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments requesting support to develop and implement the strategic plan required under subsection (a)(6).

“(2) PROTECTION OF CONSTITUTIONAL RIGHTS.—Not later than 90 days after the date of enactment of this subsection, the Attorney General shall begin to provide technical assistance to States and local governments, including any agent thereof with responsibility for administration of justice, requesting support to meet the obligations es-

tablished by the Sixth Amendment to the Constitution of the United States, which shall include—

“(A) public dissemination of practices, structures, or models for the administration of justice consistent with the requirements of the Sixth Amendment; and

“(B) assistance with adopting and implementing a system for the administration of justice consistent with the requirements of the Sixth Amendment.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2011 through 2015 to carry out this subsection.”

(c) PROTECTION OF CONSTITUTIONAL RIGHTS.—

(1) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by officials or employees of any governmental agency with responsibility for the administration of justice, including the administration of programs or services that provide appointed counsel to indigent defendants, that deprives persons of their rights to assistance of counsel as protected under the Sixth Amendment and Fourteenth Amendment to the Constitution of the United States.

(2) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may, in a civil action, obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

(3) EFFECTIVE DATE.—This subsection shall take effect 2 years after the date of enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 647—EXPRESSING THE SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING AMERICANS TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Ms. LANDRIEU (for herself, Mr. INHOFE, Mrs. LINCOLN, Mr. GRASSLEY, Mrs. MURRAY, Mr. DEMINT, Mr. KERRY, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. ENZI, Mr. CARDIN, Mr. VOINOVICH, Mr. FRANKEN, Mr. THUNE, Mr. CONRAD, Mr. COBURN, Mr. MERKLEY, Mr. BROWNBACK, Mr. JOHNSON, Mr. BENNETT, Mr. ROCKEFELLER, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. LEMIEUX, Mrs. GILLIBRAND, Mr. LUGAR, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. WYDEN, Mr. INOUE, and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 647

Whereas there are approximately 463,000 children in the foster care system in the

United States, approximately 123,000 of whom are waiting for families to adopt them;

Whereas 55 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 2 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who “age out” of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 29,000 foster youth age out every year;

Whereas everyday, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though “Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years”;

Whereas, while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 30,000 children have joined forever families during National Adoption Day;

Whereas, in 2009, adoptions were finalized for nearly 5,000 children through 400 National Adoption Day events in all 50 States, the District of Columbia, Puerto Rico, and Guam; and

Whereas the President traditionally issues an annual proclamation to declare November as National Adoption Month, and National Adoption Day is on November 20, 2010: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.