

CONSORTIUM OF FORENSIC SCIENCE ORGANIZATIONS

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Both Houses of Congress in
Recess until after the Elections

LEGISLATIVE UPDATE

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Along with the changing color of the leaves, we have the changing of the guard in Washington this fall. Every day there seems to be a different outcome predicted so it is very difficult to say who will be here in November and who will not, except that we will have new faces along with some of the old. But what does that mean? How do these changes affect our legislative efforts? How do they affect the budget? In short, we will start all over again but all efforts have not been for naught as we will start from where we left off. It is of course, a slow and laborious process to not only pass new laws but also to reauthorize existing laws and programs and to approve budgets. So what is the outlook for the next few months and what does it mean for each piece of legislation or program?

S132, Criminal Justice and Forensic Reform Act

The current version of this bill (July 2012) is available on the CFSO web-site on the Advocacy page. Although we are very supportive of many components in the bill there are still some nuances that need to be worked out. We will continue to work those kinks out with the Senate Judiciary Committee as well as getting Members to support the process and the intent of the legislation. We will be able to conduct much of this work during the recess time between now and when the Congress comes back in mid-November. Senator Leahy and Senator Grassley are not up for re-election so they will likely remain as Members on the Senate Judiciary Committee. If the Republicans take control of the Senate, which is a coin toss now, then Senator Grassley will become the Chairman of the Judiciary Committee, but if not, then things will remain as they are with Senator Leahy as Chairman. In a recent meeting, the CFSO Board was advised by Senator Leahy that he is as committed as ever to working toward a bill that achieves forensic advancement. The CFSO will continue to discuss this matter with the Members in the House for their introduction, but they are likely to wait until further action in the Senate.

The Forensic Science and Standards Act

While this legislation has been poised to be marked up (debated and edited) by the Science Committee several times, it has not been brought forward and we continue to meet with the staff and discuss our concerns. In the last meeting, the CFSO Board expressed their concerns with not only some of the content of the bill but also the process by which the language is being written. We were given assurances that the process going forward will include input from the

stakeholders. We stressed with the Committee that any legislation affecting forensic science must be part of any overarching National Strategy or we will be no better off than we are today.

SAFER Act

So, Washington is Washington and nothing is straightforward these days. Despite several attempts by Senator Cornyn to move this bill through the Senate it has not succeeded. So it was agreed that the Senate Judiciary Committee would “mark up” the bill and that occurred on Thursday, September 20. However, during the markup, it was made clear by the Senators that work still needed to be done on this bill so it’s not over yet. But, as Congress has left to go campaign and there is no bill in the House, this bill will likely have to go back to the drawing board. While we continue to work with Senator Cornyn and the Judiciary Committee on this legislation, it is, at its core, not something that many of the CFSO Members support. To that end we have determined that the problem that the bill addresses, the efficient processing of rape kits, is clearly a matter that needs to be addressed and therefore the CFSO recently met with several of the Victims’ Advocacy groups to work on a solution. More to come on this very productive meeting in upcoming newsletters.

Money Matters

As you have likely heard in the press, Congress has passed a continuing resolution that will keep the government operating until late March. As we reported in a recent newsletter both the Senate and the House have completed the appropriation bills that fund forensic science but they have not moved toward reconciliation of the two bills, or floor action in the Senate for that matter, so that will have to be accomplished before we can have a specific budget. Most likely there will be what is called an Omnibus appropriations bill, simply combine all of the appropriation bills together into one large bill and then vote on it. There have been some rumblings in the Capitol that they may try to do that before they leave for good in December but that is a stretch given their schedule and the holidays between election and the New Year.

And then a few explanations.....

What is a lame duck session?

Like leaves on an autumn tree, the leaves remain there but they serve no real purpose. So goes it with a lame duck session. It is a time when Members of Congress who have been defeated, or who have chosen to retire come back to work on unfinished matters. In this case they intend to work on the budget. An important goal we all hope they are able to achieve. An interesting factoid for you is that Congress has held 16 lame duck sessions since 1940.

What is this sequestering that everyone keeps talking about?

In short, mandatory across the board cuts totaling \$1.2 trillion worth. This action is a result of the special committee that was created to address the debt limit last year and this act is the punishment they gave themselves if they failed to reach an agreement. Well the committee did not have an agreement so we are facing these cuts. Well now Congress doesn’t like the punishment that fits the crime so both sides have said they will resolve this in the “lame duck”.

What can you do to help move these bills along and make sure that they understand our positions on forensic advancement?

Call your Member of Congress and your Senator and invite them to tour your lab. Educate them and discuss your concerns with them.