

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2022**

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**AMENDMENT**

# ***In the House of Representatives, U. S.,***

*October 7, 1998.*

*Resolved*, That the bill from the Senate (S. 2022) entitled “An Act to provide for the improvement of interstate criminal justice identification, information, communications, and forensics”, do pass with the following

## **AMENDMENT:**

Strike out all after the enacting clause and insert:

**1 SECTION 1. TABLE OF CONTENTS.**

**2** *The table of contents for this Act is as follows:*

*Sec. 1. Table of contents.*

**TITLE I—CRIME IDENTIFICATION TECHNOLOGY ACT OF 1998**

*Sec. 101. Short title.*

*Sec. 102. State grant program for criminal justice identification, information, and communication.*

**TITLE II—NATIONAL CRIMINAL HISTORY ACCESS AND CHILD PROTECTION ACT**

*Sec. 201. Short title.*

**Subtitle A—Exchange of Criminal History Records for Noncriminal Justice Purposes**

*Sec. 211. Short title.*

*Sec. 212. Findings.*

*Sec. 213. Definitions.*

*Sec. 214. Enactment and consent of the United States.*

*Sec. 215. Effect on other laws.*

*Sec. 216. Enforcement and implementation.*

*Sec. 217. National Crime Prevention and Privacy Compact.*

OVERVIEW

ARTICLE I—DEFINITIONS

ARTICLE II—PURPOSES

ARTICLE III—RESPONSIBILITIES OF COMPACT PARTIES

ARTICLE IV—AUTHORIZED RECORD DISCLOSURES

ARTICLE V—RECORD REQUEST PROCEDURES

ARTICLE VI—ESTABLISHMENT OF COMPACT COUNCIL

ARTICLE VII—RATIFICATION OF COMPACT

ARTICLE VIII—MISCELLANEOUS PROVISIONS

ARTICLE IX—RENUNCIATION

ARTICLE X—SEVERABILITY

ARTICLE XI—ADJUDICATION OF DISPUTES

*Subtitle B—Volunteers for Children Act*

*Sec. 221. Short title.*

*Sec. 222. Facilitation of fingerprint checks.*

1 **TITLE I—CRIME IDENTIFICATION**  
2 **TECHNOLOGY ACT OF 1998**

3 **SEC. 101. SHORT TITLE.**

4 *This title may be cited as the “Crime Identification*  
5 *Technology Act of 1998”.*

6 **SEC. 102. STATE GRANT PROGRAM FOR CRIMINAL JUSTICE**  
7 **IDENTIFICATION, INFORMATION, AND COM-**  
8 **MUNICATION.**

9 (a) *IN GENERAL.—Subject to the availability of*  
10 *amounts provided in advance in appropriations Acts, the*  
11 *Office of Justice Programs relying principally on the exper-*  
12 *tise of the Bureau of Justice Statistics shall make a grant*  
13 *to each State, in a manner consistent with the national*

1 *criminal history improvement program, which shall be used*  
2 *by the State, in conjunction with units of local government,*  
3 *State and local courts, other States, or combinations thereof,*  
4 *to establish or upgrade an integrated approach to develop*  
5 *information and identification technologies and systems*  
6 *to—*

7           (1) *upgrade criminal history and criminal jus-*  
8 *tice record systems, including systems operated by*  
9 *law enforcement agencies and courts;*

10           (2) *improve criminal justice identification;*

11           (3) *promote compatibility and integration of na-*  
12 *tional, State, and local systems for—*

13                   (A) *criminal justice purposes;*

14                   (B) *firearms eligibility determinations;*

15                   (C) *identification of sexual offenders;*

16                   (D) *identification of domestic violence of-*  
17 *fenders; and*

18                   (E) *background checks for other authorized*  
19 *purposes unrelated to criminal justice; and*

20           (4) *capture information for statistical and re-*  
21 *search purposes to improve the administration of*  
22 *criminal justice.*

23           (b) *USE OF GRANT AMOUNTS.—Grants under this sec-*  
24 *tion may be used for programs to establish, develop, update,*  
25 *or upgrade—*

1           (1) *State centralized, automated, adult and juve-*  
2           *nile criminal history record information systems, in-*  
3           *cluding arrest and disposition reporting;*

4           (2) *automated fingerprint identification systems*  
5           *that are compatible with standards established by the*  
6           *National Institute of Standards and Technology and*  
7           *interoperable with the Integrated Automated Finger-*  
8           *print Identification System (IAFIS) of the Federal*  
9           *Bureau of Investigation;*

10          (3) *finger imaging, live scan, and other auto-*  
11          *mated systems to digitize fingerprints and to commu-*  
12          *nicate prints in a manner that is compatible with*  
13          *standards established by the National Institute of*  
14          *Standards and Technology and interoperable with*  
15          *systems operated by States and by the Federal Bu-*  
16          *reau of Investigation;*

17          (4) *programs and systems to facilitate full par-*  
18          *ticipation in the Interstate Identification Index of the*  
19          *National Crime Information Center;*

20          (5) *systems to facilitate full participation in any*  
21          *compact relating to the Interstate Identification Index*  
22          *of the National Crime Information Center;*

23          (6) *systems to facilitate full participation in the*  
24          *national instant criminal background check system*  
25          *established under section 103(b) of the Brady Hand-*

1 *gun Violence Prevention Act (18 U.S.C. 922 note) for*  
2 *firearms eligibility determinations;*

3 *(7) integrated criminal justice information sys-*  
4 *tems to manage and communicate criminal justice in-*  
5 *formation among law enforcement agencies, courts,*  
6 *prosecutors, and corrections agencies;*

7 *(8) noncriminal history record information sys-*  
8 *tems relevant to firearms eligibility determinations*  
9 *for availability and accessibility to the national in-*  
10 *stant criminal background check system established*  
11 *under section 103(b) of the Brady Handgun Violence*  
12 *Prevention Act (18 U.S.C. 922 note);*

13 *(9) court-based criminal justice information sys-*  
14 *tems that promote—*

15 *(A) reporting of dispositions to central*  
16 *State repositories and to the Federal Bureau of*  
17 *Investigation; and*

18 *(B) compatibility with, and integration of,*  
19 *court systems with other criminal justice infor-*  
20 *mation systems;*

21 *(10) ballistics identification and information*  
22 *programs that are compatible and integrated with the*  
23 *National Integrated Ballistics Network (NIBN);*

24 *(11) the capabilities of forensic science programs*  
25 *and medical examiner programs related to the admin-*

1        *istration of criminal justice, including programs*  
2        *leading to accreditation or certification of individuals*  
3        *or departments, agencies, or laboratories, and pro-*  
4        *grams relating to the identification and analysis of*  
5        *deoxyribonucleic acid;*

6            *(12) sexual offender identification and registra-*  
7        *tion systems;*

8            *(13) domestic violence offender identification and*  
9        *information systems;*

10           *(14) programs for fingerprint-supported back-*  
11        *ground checks capability for noncriminal justice pur-*  
12        *poses, including youth service employees and volun-*  
13        *teers and other individuals in positions of responsibil-*  
14        *ity, if authorized by Federal or State law and admin-*  
15        *istered by a government agency;*

16           *(15) criminal justice information systems with a*  
17        *capacity to provide statistical and research products*  
18        *including incident-based reporting systems that are*  
19        *compatible with the National Incident-Based Report-*  
20        *ing System (NIBRS) and uniform crime reports; and*

21           *(16) multiagency, multijurisdictional commu-*  
22        *nications systems among the States to share routine*  
23        *and emergency information among Federal, State,*  
24        *and local law enforcement agencies.*

25        *(c) ASSURANCES.—*

1           (1) *IN GENERAL.*—*To be eligible to receive a*  
2 *grant under this section, a State shall provide assur-*  
3 *ances to the Attorney General that the State has the*  
4 *capability to contribute pertinent information to the*  
5 *national instant criminal background check system*  
6 *established under section 103(b) of the Brady Hand-*  
7 *gun Violence Prevention Act (18 U.S.C. 922 note).*

8           (2) *INFORMATION SHARING.*—*Such assurances*  
9 *shall include a provision that ensures that a statewide*  
10 *strategy for information sharing systems is under-*  
11 *way, or will be initiated, to improve the functioning*  
12 *of the criminal justice system, with an emphasis on*  
13 *integration of all criminal justice components, law*  
14 *enforcement, courts, prosecution, corrections, and pro-*  
15 *bation and parole. The strategy shall be prepared*  
16 *after consultation with State and local officials with*  
17 *emphasis on the recommendation of officials whose*  
18 *duty it is to oversee, plan, and implement integrated*  
19 *information technology systems, and shall contain—*

20           (A) *a definition and analysis of “integration” in*  
21 *the State and localities developing integrated infor-*  
22 *mation sharing systems;*

23           (B) *an assessment of the criminal justice re-*  
24 *sources being devoted to information technology;*

1           (C) *Federal, State, regional, and local informa-*  
2           *tion technology coordination requirements;*

3           (D) *an assurance that the individuals who devel-*  
4           *oped the grant application took into consideration the*  
5           *needs of all branches of the State Government and*  
6           *specifically sought the advice of the chief of the highest*  
7           *court of the State with respect to the application;*

8           (E) *State and local resource needs;*

9           (F) *the establishment of statewide priorities for*  
10          *planning and implementation of information tech-*  
11          *nology systems; and*

12          (G) *a plan for coordinating the programs funded*  
13          *under this title with other federally funded informa-*  
14          *tion technology programs, including directly funded*  
15          *local programs such the Local Law Enforcement*  
16          *Block Grant program (described under the heading*  
17          *‘Violent Crime Reduction Programs, State and Local*  
18          *Law Enforcement Assistance’ of the Departments of*  
19          *Commerce, Justice, and State, the Judiciary, and Re-*  
20          *lated Agencies Appropriations Act, 1998 (Public Law*  
21          *105–119)) and the M.O.R.E. program established*  
22          *pursuant to part Q of title I of the Omnibus Crime*  
23          *Control and Safe Streets Act of 1968.*

24          (d) *MATCHING FUNDS.—The Federal share of a grant*  
25          *received under this title may not exceed 90 percent of the*

1 *costs of a program or proposal funded under this title unless*  
2 *the Attorney General waives, wholly or in part, the require-*  
3 *ments of this subsection.*

4 *(e) AUTHORIZATION OF APPROPRIATIONS.—*

5 *(1) IN GENERAL.—There is authorized to be ap-*  
6 *propriated to carry out this section \$250,000,000 for*  
7 *each of fiscal years 1999 through 2003.*

8 *(2) LIMITATIONS.—Of the amount made avail-*  
9 *able to carry out this section in any fiscal year—*

10 *(A) not more than 3 percent may be used*  
11 *by the Attorney General for salaries and admin-*  
12 *istrative expenses;*

13 *(B) not more than 5 percent may be used*  
14 *for technical assistance, training and evalua-*  
15 *tions, and studies commissioned by Bureau of*  
16 *Justice Statistics of the Department of Justice*  
17 *(through discretionary grants or otherwise) in*  
18 *furtherance of the purposes of this section;*

19 *(C) not less than 20 percent shall be used by*  
20 *the Attorney General for the purposes described*  
21 *in paragraph (11) of subsection (b); and*

22 *(D) the Attorney General shall ensure the*  
23 *amounts are distributed on an equitable geo-*  
24 *graphic basis.*

1           (f) *GRANTS TO INDIAN TRIBES.*—*Notwithstanding any*  
 2 *other provision of this section, the Attorney General may*  
 3 *use amounts made available under this section to make*  
 4 *grants to Indian tribes for use in accordance with this sec-*  
 5 *tion.*

6       ***TITLE II—NATIONAL CRIMINAL***  
 7       ***HISTORY ACCESS AND CHILD***  
 8       ***PROTECTION ACT***

9       ***SEC. 201. SHORT TITLE.***

10           *This title may be cited as the “National Criminal His-*  
 11 *tory Access and Child Protection Act”.*

12       ***Subtitle A—Exchange of Criminal***  
 13       ***History Records for Noncriminal***  
 14       ***Justice Purposes***

15       ***SEC. 211. SHORT TITLE.***

16           *This subtitle may be cited as the “National Crime Pre-*  
 17 *vention and Privacy Compact Act of 1998”.*

18       ***SEC. 212. FINDINGS.***

19           *Congress finds that—*

20                   (1) *both the Federal Bureau of Investigation and*  
 21 *State criminal history record repositories maintain*  
 22 *fingerprint-based criminal history records;*

23                   (2) *these criminal history records are shared and*  
 24 *exchanged for criminal justice purposes through a*

1 *Federal-State program known as the Interstate Iden-*  
2 *tification Index System;*

3 (3) *although these records are also exchanged for*  
4 *legally authorized, noncriminal justice uses, such as*  
5 *governmental licensing and employment background*  
6 *checks, the purposes for and procedures by which they*  
7 *are exchanged vary widely from State to State;*

8 (4) *an interstate and Federal-State compact is*  
9 *necessary to facilitate authorized interstate criminal*  
10 *history record exchanges for noncriminal justice pur-*  
11 *poses on a uniform basis, while permitting each State*  
12 *to effectuate its own dissemination policy within its*  
13 *own borders; and*

14 (5) *such a compact will allow Federal and State*  
15 *records to be provided expeditiously to governmental*  
16 *and nongovernmental agencies that use such records*  
17 *in accordance with pertinent Federal and State law,*  
18 *while simultaneously enhancing the accuracy of the*  
19 *records and safeguarding the information contained*  
20 *therein from unauthorized disclosure or use.*

21 **SEC. 213. DEFINITIONS.**

22 *In this subtitle:*

23 (1) *ATTORNEY GENERAL.*—*The term “Attorney*  
24 *General” means the Attorney General of the United*  
25 *States.*

1           (2) *COMPACT.*—*The term “Compact” means the*  
2           *National Crime Prevention and Privacy Compact set*  
3           *forth in section 217.*

4           (3) *COUNCIL.*—*The term “Council” means the*  
5           *Compact Council established under Article VI of the*  
6           *Compact.*

7           (4) *FBI.*—*The term “FBI” means the Federal*  
8           *Bureau of Investigation.*

9           (5) *PARTY STATE.*—*The term “Party State”*  
10          *means a State that has ratified the Compact.*

11          (6) *STATE.*—*The term “State” means any State,*  
12          *territory, or possession of the United States, the Dis-*  
13          *trict of Columbia, and the Commonwealth of Puerto*  
14          *Rico.*

15   **SEC. 214. ENACTMENT AND CONSENT OF THE UNITED**  
16                                    **STATES.**

17          *The National Crime Prevention and Privacy Compact,*  
18          *as set forth in section 217, is enacted into law and entered*  
19          *into by the Federal Government. The consent of Congress*  
20          *is given to States to enter into the Compact.*

21   **SEC. 215. EFFECT ON OTHER LAWS.**

22          (a) *PRIVACY ACT OF 1974.*—*Nothing in the Compact*  
23          *shall affect the obligations and responsibilities of the FBI*  
24          *under section 552a of title 5, United States Code (commonly*  
25          *known as the “Privacy Act of 1974”).*

1       (b) *ACCESS TO CERTAIN RECORDS NOT AFFECTED.*—

2 *Nothing in the Compact shall interfere in any manner*  
3 *with—*

4           (1) *access, direct or otherwise, to records pursu-*  
5 *ant to—*

6           (A) *section 9101 of title 5, United States*  
7 *Code;*

8           (B) *the National Child Protection Act;*

9           (C) *the Brady Handgun Violence Preven-*  
10 *tion Act (Public Law 103–159; 107 Stat. 1536);*

11           (D) *the Violent Crime Control and Law En-*  
12 *forcement Act of 1994 (Public Law 103–322; 108*  
13 *Stat. 2074) or any amendment made by that*  
14 *Act;*

15           (E) *the United States Housing Act of 1937*  
16 *(42 U.S.C. 1437 et seq.); or*

17           (F) *the Native American Housing Assist-*  
18 *ance and Self-Determination Act of 1996 (25*  
19 *U.S.C. 4101 et seq.); or*

20           (2) *any direct access to Federal criminal history*  
21 *records authorized by law.*

22       (c) *AUTHORITY OF FBI UNDER DEPARTMENTS OF*  
23 *STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND*  
24 *RELATED AGENCIES APPROPRIATION ACT, 1973.*—*Nothing*  
25 *in the Compact shall be construed to affect the authority*

1 *of the FBI under the Departments of State, Justice, and*  
 2 *Commerce, the Judiciary, and Related Agencies Appropria-*  
 3 *tion Act, 1973 (Public Law 92–544 (86 Stat. 1115)).*

4 *(d) FEDERAL ADVISORY COMMITTEE ACT.—The Coun-*  
 5 *cil shall not be considered to be a Federal advisory commit-*  
 6 *tee for purposes of the Federal Advisory Committee Act (5*  
 7 *U.S.C. App.).*

8 *(e) MEMBERS OF COUNCIL NOT FEDERAL OFFICERS*  
 9 *OR EMPLOYEES.—Members of the Council (other than a*  
 10 *member from the FBI or any at-large member who may*  
 11 *be a Federal official or employee) shall not, by virtue of*  
 12 *such membership, be deemed—*

13 *(1) to be, for any purpose other than to effect the*  
 14 *Compact, officers or employees of the United States*  
 15 *(as defined in sections 2104 and 2105 of title 5,*  
 16 *United States Code); or*

17 *(2) to become entitled by reason of Council mem-*  
 18 *bership to any compensation or benefit payable or*  
 19 *made available by the Federal Government to its offi-*  
 20 *cers or employees.*

21 **SEC. 216. ENFORCEMENT AND IMPLEMENTATION.**

22 *All departments, agencies, officers, and employees of*  
 23 *the United States shall enforce the Compact and cooperate*  
 24 *with one another and with all Party States in enforcing*  
 25 *the Compact and effectuating its purposes. For the Federal*

1 *Government, the Attorney General shall make such rules,*  
 2 *prescribe such instructions, and take such other actions as*  
 3 *may be necessary to carry out the Compact and this sub-*  
 4 *title.*

5 **SEC. 217. NATIONAL CRIME PREVENTION AND PRIVACY**  
 6 **COMPACT.**

7 *The Contracting Parties agree to the following:*

8 **OVERVIEW**

9 *(a) IN GENERAL.—This Compact organizes an elec-*  
 10 *tronic information sharing system among the Federal Gov-*  
 11 *ernment and the States to exchange criminal history records*  
 12 *for noncriminal justice purposes authorized by Federal or*  
 13 *State law, such as background checks for governmental li-*  
 14 *censing and employment.*

15 *(b) OBLIGATIONS OF PARTIES.—Under this Compact,*  
 16 *the FBI and the Party States agree to maintain detailed*  
 17 *databases of their respective criminal history records, in-*  
 18 *cluding arrests and dispositions, and to make them avail-*  
 19 *able to the Federal Government and to Party States for au-*  
 20 *thorized purposes. The FBI shall also manage the Federal*  
 21 *data facilities that provide a significant part of the infra-*  
 22 *structure for the system.*

23 **ARTICLE I—DEFINITIONS**

24 *In this Compact:*

1           (1) *ATTORNEY GENERAL.*—*The term “Attorney*  
2 *General” means the Attorney General of the United*  
3 *States;*

4           (2) *COMPACT OFFICER.*—*The term “Compact of-*  
5 *ficer” means—*

6                   (A) *with respect to the Federal Government,*  
7 *an official so designated by the Director of the*  
8 *FBI; and*

9                   (B) *with respect to a Party State, the chief*  
10 *administrator of the State’s criminal history*  
11 *record repository or a designee of the chief ad-*  
12 *ministrator who is a regular full-time employee*  
13 *of the repository.*

14           (3) *COUNCIL.*—*The term “Council” means the*  
15 *Compact Council established under Article VI.*

16           (4) *CRIMINAL HISTORY RECORDS.*—*The term*  
17 *“criminal history records”—*

18                   (A) *means information collected by crimi-*  
19 *nal justice agencies on individuals consisting of*  
20 *identifiable descriptions and notations of arrests,*  
21 *detentions, indictments, or other formal criminal*  
22 *charges, and any disposition arising therefrom,*  
23 *including acquittal, sentencing, correctional su-*  
24 *pervision, or release; and*

1           (B) does not include identification informa-  
2           tion such as fingerprint records if such informa-  
3           tion does not indicate involvement of the individ-  
4           ual with the criminal justice system.

5           (5) *CRIMINAL HISTORY RECORD REPOSITORY.*—  
6           The term “criminal history record repository” means  
7           the State agency designated by the Governor or other  
8           appropriate executive official or the legislature of a  
9           State to perform centralized recordkeeping functions  
10          for criminal history records and services in the State.

11          (6) *CRIMINAL JUSTICE.*—The term “criminal  
12          justice” includes activities relating to the detection,  
13          apprehension, detention, pretrial release, post-trial re-  
14          lease, prosecution, adjudication, correctional super-  
15          vision, or rehabilitation of accused persons or crimi-  
16          nal offenders. The administration of criminal justice  
17          includes criminal identification activities and the col-  
18          lection, storage, and dissemination of criminal his-  
19          tory records.

20          (7) *CRIMINAL JUSTICE AGENCY.*—The term  
21          “criminal justice agency”—

22                 (A) means—

23                         (i) courts; and

24                         (ii) a governmental agency or any  
25                         subunit thereof that—

1                   (I) performs the administration of  
2                   criminal justice pursuant to a statute  
3                   or Executive order; and

4                   (II) allocates a substantial part of  
5                   its annual budget to the administra-  
6                   tion of criminal justice; and

7                   (B) includes Federal and State inspectors  
8                   general offices.

9                   (8) *CRIMINAL JUSTICE SERVICES.*—The term  
10                  “criminal justice services” means services provided by  
11                  the FBI to criminal justice agencies in response to a  
12                  request for information about a particular individual  
13                  or as an update to information previously provided  
14                  for criminal justice purposes.

15                  (9) *CRITERION OFFENSE.*—The term “criterion  
16                  offense” means any felony or misdemeanor offense not  
17                  included on the list of nonserious offenses published  
18                  periodically by the FBI.

19                  (10) *DIRECT ACCESS.*—The term “direct access”  
20                  means access to the National Identification Index by  
21                  computer terminal or other automated means not re-  
22                  quiring the assistance of or intervention by any other  
23                  party or agency.

24                  (11) *EXECUTIVE ORDER.*—The term “Executive  
25                  order” means an order of the President of the United

1       *States or the chief executive officer of a State that has*  
2       *the force of law and that is promulgated in accord-*  
3       *ance with applicable law.*

4               (12) *FBI.*—*The term “FBI” means the Federal*  
5       *Bureau of Investigation.*

6               (13) *INTERSTATE IDENTIFICATION SYSTEM.*—*The*  
7       *term “Interstate Identification Index System” or “III*  
8       *System”*—

9                       (A) *means the cooperative Federal-State*  
10       *system for the exchange of criminal history*  
11       *records; and*

12                      (B) *includes the National Identification*  
13       *Index, the National Fingerprint File and, to the*  
14       *extent of their participation in such system, the*  
15       *criminal history record repositories of the States*  
16       *and the FBI.*

17               (14) *NATIONAL FINGERPRINT FILE.*—*The term*  
18       *“National Fingerprint File” means a database of fin-*  
19       *gerprints, or other uniquely personal identifying in-*  
20       *formation, relating to an arrested or charged individ-*  
21       *ual maintained by the FBI to provide positive identi-*  
22       *fication of record subjects indexed in the III System.*

23               (15) *NATIONAL IDENTIFICATION INDEX.*—*The*  
24       *term “National Identification Index” means an index*  
25       *maintained by the FBI consisting of names, identify-*

1        *ing numbers, and other descriptive information relat-*  
2        *ing to record subjects about whom there are criminal*  
3        *history records in the III System.*

4            (16) *NATIONAL INDICES.*—*The term “National*  
5        *indices” means the National Identification Index and*  
6        *the National Fingerprint File.*

7            (17) *NONPARTY STATE.*—*The term “Nonparty*  
8        *State” means a State that has not ratified this Com-*  
9        *pact.*

10           (18) *NONCRIMINAL JUSTICE PURPOSES.*—*The*  
11        *term “noncriminal justice purposes” means uses of*  
12        *criminal history records for purposes authorized by*  
13        *Federal or State law other than purposes relating to*  
14        *criminal justice activities, including employment*  
15        *suitability, licensing determinations, immigration*  
16        *and naturalization matters, and national security*  
17        *clearances.*

18           (19) *PARTY STATE.*—*The term “Party State”*  
19        *means a State that has ratified this Compact.*

20           (20) *POSITIVE IDENTIFICATION.*—*The term*  
21        *“positive identification” means a determination,*  
22        *based upon a comparison of fingerprints or other*  
23        *equally reliable biometric identification techniques,*  
24        *that the subject of a record search is the same person*  
25        *as the subject of a criminal history record or records*

1 *indexed in the III System. Identifications based solely*  
2 *upon a comparison of subjects' names or other non-*  
3 *unique identification characteristics or numbers, or*  
4 *combinations thereof, shall not constitute positive*  
5 *identification.*

6 (21) *SEALED RECORD INFORMATION.*—*The term*  
7 *“sealed record information” means—*

8 (A) *with respect to adults, that portion of a*  
9 *record that is—*

10 (i) *not available for criminal justice*  
11 *uses;*

12 (ii) *not supported by fingerprints or*  
13 *other accepted means of positive identifica-*  
14 *tion; or*

15 (iii) *subject to restrictions on dissemi-*  
16 *nation for noncriminal justice purposes*  
17 *pursuant to a court order related to a par-*  
18 *ticular subject or pursuant to a Federal or*  
19 *State statute that requires action on a seal-*  
20 *ing petition filed by a particular record*  
21 *subject; and*

22 (B) *with respect to juveniles, whatever each*  
23 *State determines is a sealed record under its own*  
24 *law and procedure.*

1           (22) *STATE.*—*The term “State” means any*  
2 *State, territory, or possession of the United States, the*  
3 *District of Columbia, and the Commonwealth of Puer-*  
4 *to Rico.*

5                           *ARTICLE II—PURPOSES*

6           *The purposes of this Compact are to—*

7           (1) *provide a legal framework for the establish-*  
8 *ment of a cooperative Federal-State system for the*  
9 *interstate and Federal-State exchange of criminal his-*  
10 *tory records for noncriminal justice uses;*

11           (2) *require the FBI to permit use of the National*  
12 *Identification Index and the National Fingerprint*  
13 *File by each Party State, and to provide, in a timely*  
14 *fashion, Federal and State criminal history records to*  
15 *requesting States, in accordance with the terms of this*  
16 *Compact and with rules, procedures, and standards*  
17 *established by the Council under Article VI;*

18           (3) *require Party States to provide information*  
19 *and records for the National Identification Index and*  
20 *the National Fingerprint File and to provide crimi-*  
21 *nal history records, in a timely fashion, to criminal*  
22 *history record repositories of other States and the*  
23 *Federal Government for noncriminal justice purposes,*  
24 *in accordance with the terms of this Compact and*

1 *with rules, procedures, and standards established by*  
 2 *the Council under Article VI;*

3 *(4) provide for the establishment of a Council to*  
 4 *monitor III System operations and to prescribe sys-*  
 5 *tem rules and procedures for the effective and proper*  
 6 *operation of the III System for noncriminal justice*  
 7 *purposes; and*

8 *(5) require the FBI and each Party State to ad-*  
 9 *here to III System standards concerning record dis-*  
 10 *semination and use, response times, system security,*  
 11 *data quality, and other duly established standards,*  
 12 *including those that enhance the accuracy and pri-*  
 13 *vacancy of such records.*

14 *ARTICLE III—RESPONSIBILITIES OF COMPACT*  
 15 *PARTIES*

16 *(a) FBI RESPONSIBILITIES.—The Director of the FBI*  
 17 *shall—*

18 *(1) appoint an FBI Compact officer who shall—*

19 *(A) administer this Compact within the De-*  
 20 *partment of Justice and among Federal agencies*  
 21 *and other agencies and organizations that sub-*  
 22 *mit search requests to the FBI pursuant to Arti-*  
 23 *cle V(c);*

24 *(B) ensure that Compact provisions and*  
 25 *rules, procedures, and standards prescribed by*

1           *the Council under Article VI are complied with*  
2           *by the Department of Justice and the Federal*  
3           *agencies and other agencies and organizations*  
4           *referred to in Article III(1)(A); and*

5           (C) *regulate the use of records received by*  
6           *means of the III System from Party States when*  
7           *such records are supplied by the FBI directly to*  
8           *other Federal agencies;*

9           (2) *provide to Federal agencies and to State*  
10          *criminal history record repositories, criminal history*  
11          *records maintained in its database for the noncrimi-*  
12          *nal justice purposes described in Article IV, includ-*  
13          *ing—*

14                (A) *information from Nonparty States; and*

15                (B) *information from Party States that is*  
16                *available from the FBI through the III System,*  
17                *but is not available from the Party State through*  
18                *the III System;*

19           (3) *provide a telecommunications network and*  
20          *maintain centralized facilities for the exchange of*  
21          *criminal history records for both criminal justice pur-*  
22          *poses and the noncriminal justice purposes described*  
23          *in Article IV, and ensure that the exchange of such*  
24          *records for criminal justice purposes has priority over*  
25          *exchange for noncriminal justice purposes; and*

1           (4) *modify or enter into user agreements with*  
2           *Nonparty State criminal history record repositories to*  
3           *require them to establish record request procedures*  
4           *conforming to those prescribed in Article V.*

5           (b) *STATE RESPONSIBILITIES.—Each Party State*  
6           *shall—*

7           (1) *appoint a Compact officer who shall—*

8           (A) *administer this Compact within that*  
9           *State;*

10          (B) *ensure that Compact provisions and*  
11          *rules, procedures, and standards established by*  
12          *the Council under Article VI are complied with*  
13          *in the State; and*

14          (C) *regulate the in-State use of records re-*  
15          *ceived by means of the III System from the FBI*  
16          *or from other Party States;*

17          (2) *establish and maintain a criminal history*  
18          *record repository, which shall provide—*

19          (A) *information and records for the Na-*  
20          *tional Identification Index and the National*  
21          *Fingerprint File; and*

22          (B) *the State's III System-indexed criminal*  
23          *history records for noncriminal justice purposes*  
24          *described in Article IV;*

1           (3) *participate in the National Fingerprint File;*  
2           *and*

3           (4) *provide and maintain telecommunications*  
4           *links and related equipment necessary to support the*  
5           *services set forth in this Compact.*

6           (c) *COMPLIANCE WITH III SYSTEM STANDARDS.—In*  
7           *carrying out their responsibilities under this Compact, the*  
8           *FBI and each Party State shall comply with III System*  
9           *rules, procedures, and standards duly established by the*  
10           *Council concerning record dissemination and use, response*  
11           *times, data quality, system security, accuracy, privacy pro-*  
12           *tection, and other aspects of III System operation.*

13           (d) *MAINTENANCE OF RECORD SERVICES.—*

14           (1) *Use of the III System for noncriminal justice*  
15           *purposes authorized in this Compact shall be man-*  
16           *aged so as not to diminish the level of services pro-*  
17           *vided in support of criminal justice purposes.*

18           (2) *Administration of Compact provisions shall*  
19           *not reduce the level of service available to authorized*  
20           *noncriminal justice users on the effective date of this*  
21           *Compact.*

22           **ARTICLE IV—AUTHORIZED RECORD**  
23           **DISCLOSURES**

24           (a) *STATE CRIMINAL HISTORY RECORD REPOSI-*  
25           *TORIES.—To the extent authorized by section 552a of title*

1 5, *United States Code* (commonly known as the “*Privacy*  
2 *Act of 1974*”), the *FBI* shall provide on request criminal  
3 history records (excluding sealed records) to State criminal  
4 history record repositories for noncriminal justice purposes  
5 allowed by Federal statute, Federal Executive order, or a  
6 State statute that has been approved by the Attorney Gen-  
7 eral and that authorizes national indices checks.

8 (b) *CRIMINAL JUSTICE AGENCIES AND OTHER GOV-*  
9 *ERNMENTAL OR NONGOVERNMENTAL AGENCIES.*—The *FBI*,  
10 to the extent authorized by section 552a of title 5, *United*  
11 *States Code* (commonly known as the “*Privacy Act of*  
12 *1974*”), and State criminal history record repositories shall  
13 provide criminal history records (excluding sealed records)  
14 to criminal justice agencies and other governmental or non-  
15 governmental agencies for noncriminal justice purposes al-  
16 lowed by Federal statute, Federal Executive order, or a  
17 State statute that has been approved by the Attorney Gen-  
18 eral, that authorizes national indices checks.

19 (c) *PROCEDURES.*—Any record obtained under this  
20 Compact may be used only for the official purposes for  
21 which the record was requested. Each Compact officer shall  
22 establish procedures, consistent with this Compact, and  
23 with rules, procedures, and standards established by the  
24 Council under Article VI, which procedures shall protect the  
25 accuracy and privacy of the records, and shall—

1           (1) *ensure that records obtained under this Com-*  
2            *pact are used only by authorized officials for author-*  
3            *ized purposes;*

4           (2) *require that subsequent record checks are re-*  
5            *quested to obtain current information whenever a new*  
6            *need arises; and*

7           (3) *ensure that record entries that may not le-*  
8            *gally be used for a particular noncriminal justice*  
9            *purpose are deleted from the response and, if no infor-*  
10           *mation authorized for release remains, an appro-*  
11           *priate “no record” response is communicated to the*  
12           *requesting official.*

13        **ARTICLE V—RECORD REQUEST PROCEDURES**

14          (a) **POSITIVE IDENTIFICATION.**—*Subject fingerprints*  
15           *or other approved forms of positive identification shall be*  
16           *submitted with all requests for criminal history record*  
17           *checks for noncriminal justice purposes.*

18          (b) **SUBMISSION OF STATE REQUESTS.**—*Each request*  
19           *for a criminal history record check utilizing the national*  
20           *indices made under any approved State statute shall be sub-*  
21           *mitted through that State’s criminal history record reposi-*  
22           *tory. A State criminal history record repository shall proc-*  
23           *ess an interstate request for noncriminal justice purposes*  
24           *through the national indices only if such request is trans-*

1 *mited through another State criminal history record repos-*  
2 *itory or the FBI.*

3       (c) *SUBMISSION OF FEDERAL REQUESTS.—Each re-*  
4 *quest for criminal history record checks utilizing the na-*  
5 *tional indices made under Federal authority shall be sub-*  
6 *mited through the FBI or, if the State criminal history*  
7 *record repository consents to process fingerprint submis-*  
8 *sions, through the criminal history record repository in the*  
9 *State in which such request originated. Direct access to the*  
10 *National Identification Index by entities other than the*  
11 *FBI and State criminal history records repositories shall*  
12 *not be permitted for noncriminal justice purposes.*

13       (d) *FEEES.—A State criminal history record repository*  
14 *or the FBI—*

15           (1) *may charge a fee, in accordance with appli-*  
16 *cable law, for handling a request involving finger-*  
17 *print processing for noncriminal justice purposes;*  
18 *and*

19           (2) *may not charge a fee for providing criminal*  
20 *history records in response to an electronic request for*  
21 *a record that does not involve a request to process fin-*  
22 *gerprints.*

23       (e) *ADDITIONAL SEARCH.—*

24           (1) *If a State criminal history record repository*  
25 *cannot positively identify the subject of a record re-*

1        *quest made for noncriminal justice purposes, the re-*  
 2        *quest, together with fingerprints or other approved*  
 3        *identifying information, shall be forwarded to the*  
 4        *FBI for a search of the national indices.*

5            *(2) If, with respect to an request forwarded by*  
 6        *a State criminal history record repository under*  
 7        *paragraph (1), the FBI positively identifies the sub-*  
 8        *ject as having a III System-indexed record or*  
 9        *records—*

10            *(A) the FBI shall so advise the State crimi-*  
 11            *nal history record repository; and*

12            *(B) the State criminal history record repos-*  
 13            *itory shall be entitled to obtain the additional*  
 14            *criminal history record information from the*  
 15            *FBI or other State criminal history record re-*  
 16            *positories.*

17        *ARTICLE VI—ESTABLISHMENT OF COMPACT*

18                    *COUNCIL*

19            *(a) ESTABLISHMENT.—*

20            *(1) IN GENERAL.—There is established a council*  
 21        *to be known as the “Compact Council”, which shall*  
 22        *have the authority to promulgate rules and procedures*  
 23        *governing the use of the III System for noncriminal*  
 24        *justice purposes, not to conflict with FBI administra-*  
 25        *tion of the III System for criminal justice purposes.*

1           (2) *ORGANIZATION.*—*The Council shall—*

2                   (A) *continue in existence as long as this*  
3           *Compact remains in effect;*

4                   (B) *be located, for administrative purposes,*  
5           *within the FBI; and*

6                   (C) *be organized and hold its first meeting*  
7           *as soon as practicable after the effective date of*  
8           *this Compact.*

9           (b) *MEMBERSHIP.*—*The Council shall be composed of*  
10 *15 members, each of whom shall be appointed by the Attor-*  
11 *ney General, as follows:*

12                   (1) *Nine members, each of whom shall serve a 2-*  
13 *year term, who shall be selected from among the Com-*  
14 *pact officers of Party States based on the rec-*  
15 *ommendation of the Compact officers of all Party*  
16 *States, except that, in the absence of the requisite*  
17 *number of Compact officers available to serve, the*  
18 *chief administrators of the criminal history record re-*  
19 *positories of Nonparty States shall be eligible to serve*  
20 *on an interim basis.*

21                   (2) *Two at-large members, nominated by the Di-*  
22 *rector of the FBI, each of whom shall serve a 3-year*  
23 *term, of whom—*

1           (A) 1 shall be a representative of the crimi-  
2           nal justice agencies of the Federal Government  
3           and may not be an employee of the FBI; and

4           (B) 1 shall be a representative of the non-  
5           criminal justice agencies of the Federal Govern-  
6           ment.

7           (3) Two at-large members, nominated by the  
8           Chairman of the Council, once the Chairman is elect-  
9           ed pursuant to Article VI(c), each of whom shall serve  
10          a 3-year term, of whom—

11           (A) 1 shall be a representative of State or  
12          local criminal justice agencies; and

13           (B) 1 shall be a representative of State or  
14          local noncriminal justice agencies.

15          (4) One member, who shall serve a 3-year term,  
16          and who shall simultaneously be a member of the  
17          FBI's advisory policy board on criminal justice infor-  
18          mation services, nominated by the membership of that  
19          policy board.

20          (5) One member, nominated by the Director of  
21          the FBI, who shall serve a 3-year term, and who shall  
22          be an employee of the FBI.

23          (c) CHAIRMAN AND VICE CHAIRMAN.—

24           (1) IN GENERAL.—From its membership, the  
25          Council shall elect a Chairman and a Vice Chairman

1 of the Council, respectively. Both the Chairman and  
2 Vice Chairman of the Council—

3 (A) shall be a Compact officer, unless there  
4 is no Compact officer on the Council who is will-  
5 ing to serve, in which case the Chairman may be  
6 an at-large member; and

7 (B) shall serve a 2-year term and may be  
8 reelected to only 1 additional 2-year term.

9 (2) *DUTIES OF VICE CHAIRMAN.*—The Vice  
10 Chairman of the Council shall serve as the Chairman  
11 of the Council in the absence of the Chairman.

12 (d) *MEETINGS.*—

13 (1) *IN GENERAL.*—The Council shall meet a least  
14 once each year at the call of the Chairman. Each  
15 meeting of the Council shall be open to the public. The  
16 Council shall provide prior public notice in the Fed-  
17 eral Register of each meeting of the Council, including  
18 the matters to be addressed at such meeting.

19 (2) *QUORUM.*—A majority of the Council or any  
20 committee of the Council shall constitute a quorum of  
21 the Council or of such committee, respectively, for the  
22 conduct of business. A lesser number may meet to hold  
23 hearings, take testimony, or conduct any business not  
24 requiring a vote.

1       (e) *RULES, PROCEDURES, AND STANDARDS.*—The  
2 *Council shall make available for public inspection and*  
3 *copying at the Council office within the FBI, and shall pub-*  
4 *lish in the Federal Register, any rules, procedures, or stand-*  
5 *ards established by the Council.*

6       (f) *ASSISTANCE FROM FBI.*—The Council may request  
7 *from the FBI such reports, studies, statistics, or other infor-*  
8 *mation or materials as the Council determines to be nec-*  
9 *essary to enable the Council to perform its duties under this*  
10 *Compact. The FBI, to the extent authorized by law, may*  
11 *provide such assistance or information upon such a request.*

12       (g) *COMMITTEES.*—The Chairman may establish com-  
13 *mittees as necessary to carry out this Compact and may*  
14 *prescribe their membership, responsibilities, and duration.*

#### 15       *ARTICLE VII—RATIFICATION OF COMPACT*

16       *This Compact shall take effect upon being entered into*  
17 *by 2 or more States as between those States and the Federal*  
18 *Government. Upon subsequent entering into this Compact*  
19 *by additional States, it shall become effective among those*  
20 *States and the Federal Government and each Party State*  
21 *that has previously ratified it. When ratified, this Compact*  
22 *shall have the full force and effect of law within the ratify-*  
23 *ing jurisdictions. The form of ratification shall be in ac-*  
24 *cordance with the laws of the executing State.*

1     *ARTICLE VIII—MISCELLANEOUS PROVISIONS*

2           *(a) RELATION OF COMPACT TO CERTAIN FBI ACTIVI-*  
3 *TIES.—Administration of this Compact shall not interfere*  
4 *with the management and control of the Director of the FBI*  
5 *over the FBI's collection and dissemination of criminal his-*  
6 *tory records and the advisory function of the FBI's advisory*  
7 *policy board chartered under the Federal Advisory Commit-*  
8 *tee Act (5 U.S.C. App.) for all purposes other than non-*  
9 *criminal justice.*

10          *(b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDI-*  
11 *TURES.—Nothing in this Compact shall require the FBI to*  
12 *obligate or expend funds beyond those appropriated to the*  
13 *FBI.*

14          *(c) RELATING TO PUBLIC LAW 92-544.—Nothing in*  
15 *this Compact shall diminish or lessen the obligations, re-*  
16 *sponsibilities, and authorities of any State, whether a Party*  
17 *State or a Nonparty State, or of any criminal history*  
18 *record repository or other subdivision or component thereof,*  
19 *under the Departments of State, Justice, and Commerce,*  
20 *the Judiciary, and Related Agencies Appropriation Act,*  
21 *1973 (Public Law 92-544), or regulations and guidelines*  
22 *promulgated thereunder, including the rules and procedures*  
23 *promulgated by the Council under Article VI(a), regarding*  
24 *the use and dissemination of criminal history records and*  
25 *information.*

1                    *ARTICLE IX—RENUNCIATION*

2            (a) *IN GENERAL.*—*This Compact shall bind each*  
3 *Party State until renounced by the Party State.*

4            (b) *EFFECT.*—*Any renunciation of this Compact by*  
5 *a Party State shall—*

6                    (1) *be effected in the same manner by which the*  
7 *Party State ratified this Compact; and*

8                    (2) *become effective 180 days after written notice*  
9 *of renunciation is provided by the Party State to each*  
10 *other Party State and to the Federal Government.*

11                    *ARTICLE X—SEVERABILITY*

12            *The provisions of this Compact shall be severable, and*  
13 *if any phrase, clause, sentence, or provision of this Compact*  
14 *is declared to be contrary to the constitution of any partici-*  
15 *pating State, or to the Constitution of the United States,*  
16 *or the applicability thereof to any government, agency, per-*  
17 *son, or circumstance is held invalid, the validity of the re-*  
18 *mainder of this Compact and the applicability thereof to*  
19 *any government, agency, person, or circumstance shall not*  
20 *be affected thereby. If a portion of this Compact is held con-*  
21 *trary to the constitution of any Party State, all other por-*  
22 *tions of this Compact shall remain in full force and effect*  
23 *as to the remaining Party States and in full force and effect*  
24 *as to the Party State affected, as to all other provisions.*

1     *ARTICLE XI—ADJUDICATION OF DISPUTES*

2     *(a) IN GENERAL.—The Council shall—*

3         *(1) have initial authority to make determina-*  
4         *tions with respect to any dispute regarding—*

5             *(A) interpretation of this Compact;*

6             *(B) any rule or standard established by the*  
7             *Council pursuant to Article V; and*

8             *(C) any dispute or controversy between any*  
9             *parties to this Compact; and*

10         *(2) hold a hearing concerning any dispute de-*  
11         *scribed in paragraph (1) at a regularly scheduled*  
12         *meeting of the Council and only render a decision*  
13         *based upon a majority vote of the members of the*  
14         *Council. Such decision shall be published pursuant to*  
15         *the requirements of Article VI(e).*

16     *(b) DUTIES OF FBI.—The FBI shall exercise imme-*  
17     *diately and necessary action to preserve the integrity of the*  
18     *III System, maintain system policy and standards, protect*  
19     *the accuracy and privacy of records, and to prevent abuses,*  
20     *until the Council holds a hearing on such matters.*

21     *(c) RIGHT OF APPEAL.—The FBI or a Party State*  
22     *may appeal any decision of the Council to the Attorney*  
23     *General, and thereafter may file suit in the appropriate dis-*  
24     *trict court of the United States, which shall have original*  
25     *jurisdiction of all cases or controversies arising under this*

1 *Compact. Any suit arising under this Compact and initi-*  
 2 *ated in a State court shall be removed to the appropriate*  
 3 *district court of the United States in the manner provided*  
 4 *by section 1446 of title 28, United States Code, or other*  
 5 *statutory authority.*

6 ***Subtitle B—Volunteers for Children***  
 7 ***Act***

8 ***SEC. 221. SHORT TITLE.***

9 *This subtitle may be cited as the “Volunteers for Chil-*  
 10 *dren Act”.*

11 ***SEC. 222. FACILITATION OF FINGERPRINT CHECKS.***

12 *(a) STATE AGENCY.—Section 3(a) of the National*  
 13 *Child Protection Act of 1993 (42 U.S.C. 5119a(a)) is*  
 14 *amended by adding at the end the following:*

15 *“(3) In the absence of State procedures referred to in*  
 16 *paragraph (1), a qualified entity designated under para-*  
 17 *graph (1) may contact an authorized agency of the State*  
 18 *to request national criminal fingerprint background checks.*  
 19 *Qualified entities requesting background checks under this*  
 20 *paragraph shall comply with the guidelines set forth in sub-*  
 21 *section (b) and with procedures for requesting national*  
 22 *criminal fingerprint background checks, if any, established*  
 23 *by the State.”.*

24 *(b) FEDERAL LAW.—Section 3(b)(5) of the National*  
 25 *Child Protection Act of 1993 (42 U.S.C. 5119a(b)(5)) is*

1 *amended by inserting before the period at the end the follow-*  
2 *ing: “, except that this paragraph does not apply to any*  
3 *request by a qualified entity for a national criminal finger-*  
4 *print background check pursuant to subsection (a)(3)”.*

5 *(c) AUTHORIZATION.—Section 4(b)(2) of the National*  
6 *Child Protection Act of 1993 (42 U.S.C. 5119b(b)(2)) is*  
7 *amended by striking “1994, 1995, 1996, and 1997” and in-*  
8 *serting “1999, 2000, 2001, and 2002”.*

Attest:

*Clerk.*