

Union Calendar No. 544

106TH CONGRESS
2D SESSION

H. R. 4640

[Report No. 106–900, Part I]

To make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2000

Mr. McCOLLUM (for himself, Mr. SCOTT, Mr. GILMAN, Mr. KENNEDY of Rhode Island, Mr. WEINER, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 26, 2000

Additional sponsors: Mr. STUPAK, Mr. GREEN of Wisconsin, Mr. BACHUS, Mr. SMITH of Washington, and Mr. ROTHMAN

SEPTEMBER 26, 2000

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

SEPTEMBER 26, 2000

Referral to the Committee on Armed Services extended for a period ending not later than September 26, 2000

SEPTEMBER 26, 2000

Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “DNA Analysis Backlog*
5 *Elimination Act of 2000”.*

6 **SEC. 2. AUTHORIZATION OF GRANTS.**

7 (a) *AUTHORIZATION OF GRANTS.—The Attorney Gen-*
8 *eral may make grants to eligible States for use by the State*
9 *for the following purposes:*

10 (1) *To carry out, for inclusion in the Combined*
11 *DNA Index System of the Federal Bureau of Inves-*
12 *tigation, DNA analyses of samples taken from indi-*
13 *viduals convicted of a qualifying State offense (as de-*
14 *termined under subsection (b)(2)).*

15 (2) *To carry out, for inclusion in such Combined*
16 *DNA Index System, DNA analyses of samples from*
17 *crime scenes.*

1 (3) *To increase the capacity of laboratories*
2 *owned by the State or by units of local government*
3 *within the State to carry out DNA analyses of sam-*
4 *ples specified in paragraph (2).*

5 (b) *ELIGIBILITY.—For a State to be eligible to receive*
6 *a grant under this section, the chief executive officer of the*
7 *State shall submit to the Attorney General an application*
8 *in such form and containing such information as the Attor-*
9 *ney General may require. The application shall—*

10 (1) *provide assurances that the State has imple-*
11 *mented, or will implement not later than 120 days*
12 *after the date of such application, a comprehensive*
13 *plan for the expeditious DNA analysis of samples in*
14 *accordance with this section;*

15 (2) *include a certification that each DNA anal-*
16 *ysis carried out under the plan shall be maintained*
17 *pursuant to the privacy requirements described in*
18 *section 210304(b)(3) of the Violent Crime Control and*
19 *Law Enforcement Act of 1994 (42 U.S.C.*
20 *14132(b)(3));*

21 (3) *include a certification that the State has de-*
22 *termined, by statute, rule, or regulation, those offenses*
23 *under State law that shall be treated for purposes of*
24 *this section as qualifying State offenses;*

1 (4) *specify the allocation that the State shall*
 2 *make, in using grant amounts to carry out DNA*
 3 *analyses of samples, as between samples specified in*
 4 *subsection (a)(1) and samples specified in subsection*
 5 *(a)(2); and*

6 (5) *specify that portion of grant amounts that*
 7 *the State shall use for the purpose specified in sub-*
 8 *section (a)(3).*

9 (c) *CRIMES WITHOUT SUSPECTS.*—A State that pro-
 10 *poses to allocate grant amounts under paragraph (4) or (5)*
 11 *of subsection (b) for the purposes specified in paragraph*
 12 *(2) or (3) of subsection (a) shall use such allocated amounts*
 13 *to conduct or facilitate DNA analyses of those samples that*
 14 *relate to crimes in connection with which there are no sus-*
 15 *pects.*

16 (d) *ANALYSIS OF SAMPLES.*—

17 (1) *IN GENERAL.*—The plan shall require that,
 18 *except as provided in paragraph (3), each DNA anal-*
 19 *ysis be carried out in a laboratory that satisfies qual-*
 20 *ity assurance standards and is—*

21 (A) *operated by the State or a unit of local*
 22 *government within the State; or*

23 (B) *operated by a private entity pursuant*
 24 *to a contract with the State or a unit of local*
 25 *government within the State.*

1 (2) *QUALITY ASSURANCE STANDARDS.—(A) The*
2 *Director of the Federal Bureau of Investigation shall*
3 *maintain and make available to States a description*
4 *of quality assurance protocols and practices that the*
5 *Director considers adequate to assure the quality of a*
6 *forensic laboratory.*

7 *(B) For purposes of this section, a laboratory*
8 *satisfies quality assurance standards if the laboratory*
9 *satisfies the quality control requirements described in*
10 *paragraphs (1) and (2) of section 210304(b) of the*
11 *Violent Crime Control and Law Enforcement Act of*
12 *1994 (42 U.S.C. 14132(b)).*

13 (3) *USE OF VOUCHERS FOR CERTAIN PUR-*
14 *POSES.—A grant for the purposes specified in para-*
15 *graph (1) or (2) of subsection (a) may be made in the*
16 *form of a voucher for laboratory services, which may*
17 *be redeemed at a laboratory operated by a private en-*
18 *tity approved by the Attorney General that satisfies*
19 *quality assurance standards. The Attorney General*
20 *may make payment to such a laboratory for the anal-*
21 *ysis of DNA samples using amounts authorized for*
22 *those purposes under subsection (j).*

23 (e) *RESTRICTIONS ON USE OF FUNDS.—*

24 (1) *NONSUPPLANTING.—Funds made available*
25 *pursuant to this section shall not be used to supplant*

1 *State funds, but shall be used to increase the amount*
2 *of funds that would, in the absence of Federal funds,*
3 *be made available from State sources for the purposes*
4 *of this Act.*

5 (2) *ADMINISTRATIVE COSTS.*—*A State may not*
6 *use more than three percent of the funds it receives*
7 *from this section for administrative expenses.*

8 (f) *REPORTS TO THE ATTORNEY GENERAL.*—*Each*
9 *State which receives a grant under this section shall submit*
10 *to the Attorney General, for each year in which funds from*
11 *a grant received under this section is expended, a report*
12 *at such time and in such manner as the Attorney General*
13 *may reasonably require, which contains—*

14 (1) *a summary of the activities carried out*
15 *under the grant and an assessment of whether such*
16 *activities are meeting the needs identified in the ap-*
17 *plication; and*

18 (2) *such other information as the Attorney Gen-*
19 *eral may require.*

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

24 (1) *the aggregate amount of grants made under*
25 *this section to each State for such fiscal year; and*

1 (2) *a summary of the information provided by*
 2 *States receiving grants under this section.*

3 (h) *EXPENDITURE RECORDS.—*

4 (1) *IN GENERAL.—Each State which receives a*
 5 *grant under this section shall keep records as the At-*
 6 *torney General may require to facilitate an effective*
 7 *audit of the receipt and use of grant funds received*
 8 *under this section.*

9 (2) *ACCESS.—Each State which receives a grant*
 10 *under this section shall make available, for the pur-*
 11 *pose of audit and examination, such records as are*
 12 *related to the receipt or use of any such grant.*

13 (i) *DEFINITION.—For purposes of this section, the*
 14 *term “State” means a State of the United States, the Dis-*
 15 *trict of Columbia, the Commonwealth of Puerto Rico, the*
 16 *United States Virgin Islands, American Samoa, Guam,*
 17 *and the Northern Mariana Islands.*

18 (j) *AUTHORIZATION OF APPROPRIATIONS.—Amounts*
 19 *are authorized to be appropriated to the Attorney General*
 20 *for grants under subsection (a) as follows:*

21 (1) *For grants for the purposes specified in*
 22 *paragraph (1) of such subsection—*

23 (A) *\$15,000,000 for fiscal year 2001;*

24 (B) *\$15,000,000 for fiscal year 2002; and*

25 (C) *\$15,000,000 for fiscal year 2003.*

(2) *For grants for the purposes specified in paragraphs (2) and (3) of such subsection—*

(A) *\$25,000,000 for fiscal year 2001;*

(B) *\$50,000,000 for fiscal year 2002;*

(C) *\$25,000,000 for fiscal year 2003; and*

(D) *\$25,000,000 for fiscal year 2004.*

SEC. 3. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN FEDERAL OFFENDERS.

(a) *COLLECTION OF DNA SAMPLES.—*

(1) *FROM INDIVIDUALS IN CUSTODY.—The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying military offense, as determined under section 1565 of title 10, United States Code.*

(2) *FROM INDIVIDUALS ON RELEASE, PAROLE, OR PROBATION.—The probation office responsible for the supervision under Federal law of an individual on probation, parole, or supervised release shall collect a DNA sample from each such individual who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying*

1 *military offense, as determined under section 1565 of*
2 *title 10, United States Code.*

3 (3) *INDIVIDUALS ALREADY IN CODIS.*—*For each*
4 *individual described in paragraph (1) or (2), if the*
5 *Combined DNA Index System (in this section referred*
6 *to as “CODIS”) of the Federal Bureau of Investiga-*
7 *tion contains a DNA analysis with respect to that in-*
8 *dividual, or if a DNA sample has been collected from*
9 *that individual under section 1565 of title 10, United*
10 *States Code, the Director of the Bureau of Prisons or*
11 *the probation office responsible (as applicable) may*
12 *(but need not) collect a DNA sample from that indi-*
13 *vidual.*

14 (4) *COLLECTION PROCEDURES.*—(A) *The Direc-*
15 *tor of the Bureau of Prisons or the probation office*
16 *responsible (as applicable) may use or authorize the*
17 *use of such means as are reasonably necessary to de-*
18 *tain, restrain, and collect a DNA sample from an in-*
19 *dividual who refuses to cooperate in the collection of*
20 *the sample.*

21 (B) *The Director of the Bureau of Prisons or the*
22 *probation office, as appropriate, may enter into*
23 *agreements with units of State or local government or*
24 *with private entities to provide for the collection of*
25 *the samples described in paragraph (1) or (2).*

1 (5) *CRIMINAL PENALTY.*—*An individual from*
2 *whom the collection of a DNA sample is authorized*
3 *under this subsection who fails to cooperate in the col-*
4 *lection of that sample shall be—*

5 *(A) guilty of a class A misdemeanor; and*

6 *(B) punished in accordance with title 18,*
7 *United States Code.*

8 (b) *ANALYSIS AND USE OF SAMPLES.*—*The Director*
9 *of the Bureau of Prisons or the probation office responsible*
10 *(as applicable) shall furnish each DNA sample collected*
11 *under subsection (a) to the Director of the Federal Bureau*
12 *of Investigation, who shall carry out a DNA analysis on*
13 *each such DNA sample and include the results in CODIS.*

14 (c) *DEFINITIONS.*—*In this section:*

15 (1) *The term “DNA sample” means a tissue,*
16 *fluid, or other bodily sample of an individual on*
17 *which a DNA analysis can be carried out.*

18 (2) *The term “DNA analysis” means analysis of*
19 *the deoxyribonucleic acid (DNA) identification infor-*
20 *mation in a bodily sample.*

21 (d) *QUALIFYING FEDERAL OFFENSES.*—(1) *The of-*
22 *fenses that shall be treated for purposes of this section as*
23 *qualifying Federal offenses are the following offenses under*
24 *title 18, United States Code, as determined by the Attorney*
25 *General:*

1 (A) *Murder (as described in section 1111 of such*
2 *title), voluntary manslaughter (as described in section*
3 *1112 of such title), or other offense relating to homi-*
4 *cide (as described in chapter 51 of such title, sections*
5 *1113, 1114, 1116, 1118, 1119, 1120, and 1121).*

6 (B) *An offense relating to sexual abuse (as de-*
7 *scribed in chapter 109A of such title, sections 2241*
8 *through 2245), to sexual exploitation or other abuse*
9 *of children (as described in chapter 110 of such title,*
10 *sections 2251 through 2252A), or to transportation*
11 *for illegal sexual activity (as described in chapter 117*
12 *of such title, sections 2421, 2422, 2423, and 2425).*

13 (C) *Kidnapping (as defined in section*
14 *3559(c)(2)(E) of such title).*

15 (D) *Burglary.*

16 (E) *Attempt or conspiracy to commit any of the*
17 *above offenses.*

18 (2) *The initial determination of qualifying Federal of-*
19 *fenses shall be made not later than 120 days after the date*
20 *of the enactment of this Act.*

21 (e) *REGULATIONS.—*

22 (1) *IN GENERAL.—Except as provided in para-*
23 *graph (2), this section shall be carried out under reg-*
24 *ulations prescribed by the Attorney General.*

1 (2) *PROBATION OFFICERS.*—*The Director of the*
 2 *Administrative Office of the United States Courts*
 3 *shall make available model procedures for the activi-*
 4 *ties of probation officers in carrying out this section.*

5 (f) *COMMENCEMENT OF COLLECTION.*—*Collection of*
 6 *DNA samples under subsection (a) shall, subject to the*
 7 *availability of appropriations, commence not later than the*
 8 *date that is 180 days after the date of the enactment of*
 9 *this Act.*

10 **SEC. 4. COLLECTION AND USE OF DNA IDENTIFICATION IN-**
 11 **FORMATION FROM CERTAIN DISTRICT OF CO-**
 12 **LUMBIA OFFENDERS.**

13 (a) *COLLECTION OF DNA SAMPLES.*—

14 (1) *FROM INDIVIDUALS IN CUSTODY.*—*The Direc-*
 15 *tor of the Bureau of Prisons shall collect a DNA sam-*
 16 *ple from each individual in the custody of the Bureau*
 17 *of Prisons who is, or has been, convicted of a quali-*
 18 *fying District of Columbia offense (as determined*
 19 *under subsection (d)).*

20 (2) *FROM INDIVIDUALS ON RELEASE, PAROLE,*
 21 *OR PROBATION.*—*The Director of the Court Services*
 22 *and Offender Supervision Agency for the District of*
 23 *Columbia shall collect a DNA sample from each indi-*
 24 *vidual under the supervision of the Agency who is on*
 25 *supervised release, parole, or probation who is, or has*

1 *been, convicted of a qualifying District of Columbia*
2 *offense (as determined under subsection (d)).*

3 (3) *INDIVIDUALS ALREADY IN CODIS.*—*For each*
4 *individual described in paragraph (1) or (2), if the*
5 *Combined DNA Index System (in this section referred*
6 *to as “CODIS”) of the Federal Bureau of Investiga-*
7 *tion contains a DNA analysis with respect to that in-*
8 *dividual, the Director of the Bureau of Prisons or*
9 *Agency (as applicable) may (but need not) collect a*
10 *DNA sample from that individual.*

11 (4) *COLLECTION PROCEDURES.*—(A) *The Direc-*
12 *tor of the Bureau of Prisons or Agency (as applicable)*
13 *may use or authorize the use of such means as are*
14 *reasonably necessary to detain, restrain, and collect a*
15 *DNA sample from an individual who refuses to co-*
16 *operate in the collection of the sample.*

17 (B) *The Director of the Bureau of Prisons or*
18 *Agency, as appropriate, may enter into agreements*
19 *with units of State or local government or with pri-*
20 *vate entities to provide for the collection of the sam-*
21 *ples described in paragraph (1) or (2).*

22 (5) *CRIMINAL PENALTY.*—*An individual from*
23 *whom the collection of a DNA sample is authorized*
24 *under this subsection who fails to cooperate in the col-*
25 *lection of that sample shall be—*

1 (A) *guilty of a class A misdemeanor; and*
2 (B) *punished in accordance with title 18,*
3 *United States Code.*

4 (b) *ANALYSIS AND USE OF SAMPLES.—The Director*
5 *of the Bureau of Prisons or Agency (as applicable) shall*
6 *furnish each DNA sample collected under subsection (a) to*
7 *the Director of the Federal Bureau of Investigation, who*
8 *shall carry out a DNA analysis on each such DNA sample*
9 *and include the results in CODIS.*

10 (c) *DEFINITIONS.—In this section:*

11 (1) *The term “DNA sample” means a tissue,*
12 *fluid, or other bodily sample of an individual on*
13 *which a DNA analysis can be carried out.*

14 (2) *The term “DNA analysis” means analysis of*
15 *the deoxyribonucleic acid (DNA) identification infor-*
16 *mation in a bodily sample.*

17 (d) *QUALIFYING DISTRICT OF COLUMBIA OF-*
18 *FENSES.—The Government of the District of Columbia may*
19 *determine those offenses under the District of Columbia*
20 *Code that shall be treated for purposes of this section as*
21 *qualifying District of Columbia offenses.*

22 (e) *COMMENCEMENT OF COLLECTION.—Collection of*
23 *DNA samples under subsection (a) shall, subject to the*
24 *availability of appropriations, commence not later than the*

1 *date that is 180 days after the date of the enactment of*
 2 *this Act.*

3 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 4 *authorized to be appropriated to the Court Services and Of-*
 5 *fender Supervision Agency for the District of Columbia to*
 6 *carry out this section such sums as may be necessary for*
 7 *each of fiscal years 2001 through 2005.*

8 **SEC. 5. COLLECTION AND USE OF DNA IDENTIFICATION IN-**
 9 **FORMATION FROM CERTAIN OFFENDERS IN**
 10 **THE ARMED FORCES.**

11 (a) *IN GENERAL.—(1) Chapter 80 of title 10, United*
 12 *States Code, is amended by adding at the end the following*
 13 *new section:*

14 **“§ 1565. DNA identification information: collection**
 15 **from certain offenders; use**

16 **“(a) COLLECTION OF DNA SAMPLES.—(1) The Sec-**
 17 **retary concerned shall collect a DNA sample from each**
 18 **member of the armed forces under the Secretary’s jurisdic-**
 19 **tion who is, or has been, convicted of a qualifying military**
 20 **offense (as determined under subsection (d)).**

21 **“(2) For each member described in paragraph (1), if**
 22 **the Combined DNA Index System (in this section referred**
 23 **to as ‘CODIS’) of the Federal Bureau of Investigation con-**
 24 **tains a DNA analysis with respect to that member, or if**
 25 **a DNA sample has been or is to be collected from that mem-**

1 *ber under section 3(a) of the DNA Analysis Backlog Elimini-*
2 *nation Act of 2000, the Secretary concerned may (but need*
3 *not) collect a DNA sample from that member.*

4 “(3) *The Secretary concerned may enter into agree-*
5 *ments with other Federal agencies, units of State or local*
6 *government, or private entities to provide for the collection*
7 *of samples described in paragraph (1).*

8 “(b) *ANALYSIS AND USE OF SAMPLES.—The Secretary*
9 *concerned shall furnish each DNA sample collected under*
10 *subsection (a) to the Secretary of Defense. The Secretary*
11 *of Defense shall carry out a DNA analysis on each such*
12 *DNA sample and furnish the results of each such analysis*
13 *to the Director of the Federal Bureau of Investigation for*
14 *inclusion in CODIS.*

15 “(c) *DEFINITIONS.—In this section:*

16 “(1) *The term ‘DNA sample’ means a tissue,*
17 *fluid, or other bodily sample of an individual on*
18 *which a DNA analysis can be carried out.*

19 “(2) *The term ‘DNA analysis’ means analysis of*
20 *the deoxyribonucleic acid (DNA) identification infor-*
21 *mation in a bodily sample.*

22 “(d) *QUALIFYING MILITARY OFFENSES.—(1) Subject*
23 *to paragraph (2), the Secretary of Defense, in consultation*
24 *with the Attorney General, shall determine those felony or*
25 *sexual offenses under the Uniform Code of Military Justice*

1 *that shall be treated for purposes of this section as quali-*
2 *fying military offenses.*

3 “(2) *An offense under the Uniform Code of Military*
4 *Justice that is comparable to a qualifying Federal offense*
5 *(as determined under section 3(d) of the DNA Analysis*
6 *Backlog Elimination Act of 2000), as determined by the*
7 *Secretary in consultation with the Attorney General, shall*
8 *be treated for purposes of this section as a qualifying mili-*
9 *tary offense.*

10 “(e) *EXPUNGEMENT.*—(1) *The Secretary of Defense*
11 *shall promptly expunge, from the index described in sub-*
12 *section (a) of section 210304 of the Violent Crime Control*
13 *and Law Enforcement Act of 1994, the DNA analysis of*
14 *a person included in the index on the basis of a qualifying*
15 *military offense if the Secretary receives, for each conviction*
16 *of the person of a qualifying offense, a certified copy of a*
17 *final court order establishing that such conviction has been*
18 *overturned.*

19 “(2) *For purposes of paragraph (1), the term ‘quali-*
20 *fying offense’ means any of the following offenses:*

21 “(A) *A qualifying Federal offense, as determined*
22 *under section 3 of the DNA Analysis Backlog Elimini-*
23 *ation Act of 2000.*

1 “(B) A qualifying District of Columbia offense,
2 as determined under section 4 of the DNA Analysis
3 Backlog Elimination Act of 2000.

4 “(C) A qualifying military offense.

5 “(3) For purposes of paragraph (1), a court order is
6 not ‘final’ if time remains for an appeal or application for
7 discretionary review with respect to the order.

8 “(f) REGULATIONS.—This section shall be carried out
9 under regulations prescribed by the Secretary of Defense,
10 in consultation with the Secretary of Transportation and
11 the Attorney General. Those regulations shall apply, to the
12 extent practicable, uniformly throughout the armed forces.”.

13 (2) The table of sections at the beginning of such chap-
14 ter is amended by adding at the end the following new item:

 “1565. DNA identification information: collection from certain offenders; use.”.

15 (b) INITIAL DETERMINATION OF QUALIFYING MILI-
16 TARY OFFENSES.—The initial determination of qualifying
17 military offenses under section 1565(d) of title 10, United
18 States Code, as added by subsection (a)(1), shall be made
19 not later than 120 days after the date of the enactment of
20 this Act.

21 (c) COMMENCEMENT OF COLLECTION.—Collection of
22 DNA samples under section 1565(a) of such title, as added
23 by subsection (a)(1), shall, subject to the availability of ap-
24 propriations, commence not later than the date that is 60

1 *days after the date of the initial determination referred to*
 2 *in subsection (b).*

3 **SEC. 6. EXPANSION OF DNA IDENTIFICATION INDEX.**

4 *(a) USE OF CERTAIN FUNDS.—Section 811(a)(2) of*
 5 *the Antiterrorism and Effective Death Penalty Act of 1996*
 6 *(28 U.S.C. 531 note) is amended to read as follows:*

7 *“(2) the Director of the Federal Bureau of Inves-*
 8 *tigation shall expand the combined DNA Identifica-*
 9 *tion System (CODIS) to include analyses of DNA*
 10 *samples collected from—*

11 *“(A) individuals convicted of a qualifying*
 12 *Federal offense, as determined under section 3(d)*
 13 *of the DNA Analysis Backlog Elimination Act of*
 14 *2000;*

15 *“(B) individuals convicted of a qualifying*
 16 *District of Columbia offense, as determined*
 17 *under section 4(d) of the DNA Analysis Backlog*
 18 *Elimination Act of 2000; and*

19 *“(C) members of the Armed Forces convicted*
 20 *of a qualifying military offense, as determined*
 21 *under section 1565(d) of title 10, United States*
 22 *Code.”.*

23 *(b) INDEX TO FACILITATE LAW ENFORCEMENT EX-*
 24 *CHANGE OF DNA IDENTIFICATION INFORMATION.—Section*

1 *210304 of the Violent Crime Control and Law Enforcement*
 2 *Act of 1994 (42 U.S.C. 14132) is amended—*

3 *(1) in subsection (b)(1), by inserting after*
 4 *“criminal justice agency” the following: “(or the Sec-*
 5 *retary of Defense in accordance with section 1565 of*
 6 *title 10, United States Code)”;*

7 *(2) in subsection (b)(2)—*

8 *(A) by striking “, at regular intervals of not*
 9 *to exceed 180 days,” and inserting “semi-*
 10 *annual”;* and

11 *(B) by inserting before the semicolon the fol-*
 12 *lowing: “(or prepared by the Secretary of De-*
 13 *fense in accordance with section 1565 of title 10,*
 14 *United States Code)”;*

15 *(3) in subsection (b)(3), by inserting after “local*
 16 *criminal justice agencies” the following: “(or the Sec-*
 17 *retary of Defense in accordance with section 1565 of*
 18 *title 10, United States Code)”;* and

19 *(4) by adding at the end the following new sub-*
 20 *section:*

21 *“(d) EXPUNGEMENT OF RECORDS.—(1) The Director*
 22 *of the Federal Bureau of Investigation shall promptly ex-*
 23 *punge from the index described in subsection (a) the DNA*
 24 *analysis of a person included in the index on the basis of*
 25 *a qualifying Federal offense or a qualifying District of Co-*

1 lumbia offense (as determined under section 3 and 4 of the
 2 DNA Analysis Backlog Elimination Act of 2000, respec-
 3 tively) if the Director receives, for each conviction of the
 4 person of a qualifying offense, a certified copy of a final
 5 court order establishing that such conviction has been over-
 6 turned.

7 “(2) For purposes of paragraph (1), the term ‘quali-
 8 fying offense’ means any of the following offenses:

9 “(A) A qualifying Federal offense, as determined
 10 under section 3 of the DNA Analysis Backlog Elimini-
 11 nation Act of 2000.

12 “(B) A qualifying District of Columbia offense,
 13 as determined under section 4 of the DNA Analysis
 14 Backlog Elimination Act of 2000.

15 “(C) A qualifying military offense, as deter-
 16 mined under section 1565 of title 10, United States
 17 Code.

18 “(3) For purposes of paragraph (1), a court order is
 19 not ‘final’ if time remains for an appeal or application for
 20 discretionary review with respect to the order.”.

21 **SEC. 7. CONDITIONS OF RELEASE.**

22 (a) **CONDITIONS OF PROBATION.**—Section 3563(a) of
 23 title 18, United States Code, is amended—

24 (1) in paragraph (7), by striking “and” at the
 25 end;

1 (2) *in paragraph (8), by striking the period at*
2 *the end and inserting “; and”; and*

3 (3) *by inserting after paragraph (8) the fol-*
4 *lowing:*

5 “(9) *that the defendant cooperate in the collec-*
6 *tion of a DNA sample from the defendant if the collec-*
7 *tion of such a sample is authorized pursuant to sec-*
8 *tion 3 of the DNA Analysis Backlog Elimination Act*
9 *of 2000.”.*

10 (b) *CONDITIONS OF SUPERVISED RELEASE.—Section*
11 *3583(d) of title 18, United States Code, is amended by in-*
12 *serting before “The court shall also order” the following:*
13 *“The court shall order, as an explicit condition of super-*
14 *vised release, that the defendant cooperate in the collection*
15 *of a DNA sample from the defendant, if the collection of*
16 *such a sample is authorized pursuant to section 3 of the*
17 *DNA Analysis Backlog Elimination Act of 2000.”.*

18 (c) *CONDITIONS OF PAROLE.—Section 4209 of title 18,*
19 *United States Code, insofar as such section remains in effect*
20 *with respect to certain individuals, is amended by inserting*
21 *before “In every case, the Commission shall also impose”*
22 *the following: “In every case, the Commission shall impose*
23 *as a condition of parole that the parolee cooperate in the*
24 *collection of a DNA sample from the parolee, if the collec-*
25 *tion of such a sample is authorized pursuant to section 3*

1 *or section 4 of the DNA Analysis Backlog Elimination Act*
 2 *of 2000 or section 1565 of title 10.”.*

3 *(d) CONDITIONS OF RELEASE GENERALLY.—If the col-*
 4 *lection of a DNA sample from an individual on probation,*
 5 *parole, or supervised release is authorized pursuant to sec-*
 6 *tion 3 or 4 of this Act or section 1565 of title 10, United*
 7 *States Code, the individual shall cooperate in the collection*
 8 *of a DNA sample as a condition of that probation, parole,*
 9 *or supervised release.*

10 **SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.**

11 *(a) DRUG CONTROL AND SYSTEM IMPROVEMENT*
 12 *GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus*
 13 *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*
 14 *3753(a)(12)(C)) is amended by striking “, at regular inter-*
 15 *vals of not to exceed 180 days,” and inserting “semi-*
 16 *annual”.*

17 *(b) DNA IDENTIFICATION GRANTS.—Section 2403(3)*
 18 *of title I of the Omnibus Crime Control and Safe Streets*
 19 *Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended by striking*
 20 *“, at regular intervals not exceeding 180 days,” and insert-*
 21 *ing “semiannual”.*

22 *(c) FEDERAL BUREAU OF INVESTIGATION.—Section*
 23 *210305(a)(1)(A) of the Violent Crime Control and Law En-*
 24 *forcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is*

1 *amended by striking “, at regular intervals of not to exceed*
 2 *180 days,” and inserting “semiannual”.*

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 *There are authorized to be appropriated to the Attor-*
 5 *ney General to carry out this Act (including to reimburse*
 6 *the Federal judiciary for any reasonable costs incurred in*
 7 *implementing such Act, as determined by the Attorney Gen-*
 8 *eral) such sums as may be necessary.*

9 **SEC. 10. PRIVACY PROTECTION STANDARDS.**

10 *(a) IN GENERAL.—Except as provided in subsection*
 11 *(b), any sample collected under, or any result of any anal-*
 12 *ysis carried out under, section 2, 3, or 4 may be used only*
 13 *for a purpose specified in such section.*

14 *(b) PERMISSIVE USES.—A sample or result described*
 15 *in subsection (a) may be disclosed under the circumstances*
 16 *under which disclosure of information included in the Com-*
 17 *bined DNA Index System is allowed, as specified in sub-*
 18 *paragraphs (A) through (D) of section 210304(b)(3) of the*
 19 *Violent Crime Control and Law Enforcement Act of 1994*
 20 *(42 U.S.C. 14132(b)(3)).*

21 *(c) CRIMINAL PENALTY.—A person who knowingly—*
 22 *(1) discloses a sample or result described in sub-*
 23 *section (a) in any manner to any person not author-*
 24 *ized to receive it; or*

- 1 (2) *obtains, without authorization, a sample or*
- 2 *result described in subsection (a),*
- 3 *shall be fined not more than \$100,000.*

Union Calendar No. 544

106TH CONGRESS
2D SESSION

H. R. 4640

[Report No. 106–900, Part I]

A BILL

To make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

SEPTEMBER 26, 2000

Reported from the Committee on the Judiciary with an amendment

SEPTEMBER 26, 2000

Referral to the Committee on Armed Services extended for a period ending not later than September 26, 2000

SEPTEMBER 26, 2000

Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed