been voiced, as I noted earlier, by legitimate badge collectors, and we have met their concerns. H.R. 4827 includes exceptions for cases where the badge is used exclusively in a collection or exhibit, for decorative purposes, or for a dramatic presentation such as a theater film or television production.

H.R. 4827 has bipartisan support as well as the support of the Fraternal Order of Police, the International Brotherhood of Police Officers, the California Peace Officers Association, and the California Narcotics Officers Association. Mr. Speaker, I urge my colleagues to support and pass H.R. 4827.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the Enhanced Federal Security Act of 2000, which addresses in part the vulnerabilities of Federal agencies, which were exposed by the May 2000 GAO investigatory report referred to by the gentleman from Florida (Mr. CANADY).

In its original form, this bill would make it a Federal crime to enter or attempt to enter Federal property or a secure area of an airport under false pretenses. The person who enters Federal property under false pretenses is subject to a fine of up to 2 years in prison. If such an entry were done with the intent to commit a crime, the person would be punished with a fine and up to 5 years in prison.

The bill would also prohibit trafficking in police badges, whether real or counterfeit. A person trafficking in badges would be subject to a fine and up to 6 months in prison. A person is, however, permitted to possess a badge or badges in a collection or exhibit, for decorative purposes, or for dramatic presentations such as a theatrical film or television production.

Mr. Speaker, at the Subcommittee on Crime's mark of this legislation, I indicated that, while I support the purpose of the bill, I had concerns regarding certain provisions. Following discussions between our staffs, the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), offered an amendment at the full committee which addressed my concerns and which were ultimately adopted by the Committee on the Judiciary.

Specifically, the amendment reduced the possible term of imprisonment for simple trespass from 2 years to 6 months, a term which is consistent with other Federal criminal trespass provisions. Further, the amendment provides that the felony provisions under the law require entry by false pretenses with the intent to commit a felony, as opposed to any crime, which the original bill provided.

Finally, the amendment makes it clear that transferring, transporting, or receiving a replica of a police badge as a memento or for recreational purposes, such as a toy, would not constitute a criminal offense under the bill.

Mr. Speaker, with those changes, I believe that H.R. 4827 addresses the vulnerabilities of Federal agencies which were exposed in May of 2000 without sacrificing individual liberties or imposing penalties out of proportion with the underlying crime. I, therefore, commend the gentleman from California (Mr. HORN), the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), and the gentleman from Florida (Mr. CANADY) for their work on this matter; and I urge my colleagues to support the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, for all of his work, and the work of the entire committee for their work on this bill. I would also like to thank the gentleman from California (Mr. HORN) for his leadership in writing and drafting this bill. It is really about the safety of our citizens, and I believe he should be duly recognized for his efforts.

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On June 29, the gentleman from California (Mr. HORN) brought H.R. 4827 before the Speaker's Advisory Group on Corrections. The Corrections Group is a bipartisan group that seeks to fix, update or repeal outdated or unnecessary laws, rules or regulations. This bill received unanimous support from the Corrections Advisory Group.

Earlier this year, agents of the General Accounting Office were able to enter Government buildings with ease by flashing fake badges and pretending to be law enforcement officers. These agents used badges purchased over the Internet. The agents passed through security at two airports without going through the regular security measures. Agents were also able to enter the Justice Department, State Department, FBI Headquarters, and the Pentagon.

H.R. 4827 would prohibit the transfer, transport or receiving in interstate or foreign commerce of a counterfeit or a genuine police badge to an individual not authorized to possess such a badge. The bill would also make it a crime to enter a Government building under false pretenses.

I am proud as chairman of the Advisory Group and as a cosponsor to be here today speaking in favor of H.R. 4827 and would urge support of this measure.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join in congratulating the gentleman from California (Mr. HORN) for his leadership. I would like to again thank the gentleman from Virginia (Mr. SCOTT) for his cooperation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the light that has been shed on the Breaches of Security at Federal Agencies and Airports by the General Accounting Office's (GAO), Office of Special Investigation (OSI) is extremely disturbing to me. The GAO's security test of federal agencies resulted in the OSI being able to breach security at each of the nineteen federal agencies it visited, and two airports.

Mr. Speaker, the Judiciary committee's investigation has highlighted the practicing of selling stolen and counterfeit police badges on the internet and other sources, and the potential to use these items for illegal purposes including breaching the security at through the vessels of our Nation's security is very alarming, to put it mildly, and has led us to hold very informative oversight hearings on these breaches.

GAO agents testified that they breached the offices of several of the Administration's cabinet heads including the Pentagon, Department of Treasury and Department of Commerce. In each of these cases, the agents testified that after producing false badges purchased over the internet, they were waved through check points with their weapons and bags that could have contained explosive devices. In fact, the agents testified that on several occasions they were left unescorted as they wandered through the personal offices of several cabinet heads.

Under the bill, anyone who enters federal property or a secure airport by posing as a police officer would be subject to a fine and up to 6 months in prison. If that person intends to commit a felony, the felony would be a fine and up to 5 years in prison.

H.R. 4827 also prohibits transfer, transport or receipt of a counterfeit police badge through interstate or foreign commerce and provides a penalty of a fine and up to 6 months in prison for doing so. This prohibition also applies to individuals who transfer a real police badge to someone who is not authorized to have it.

Mr. Speaker, I support this legislation and urge my colleagues to pass this commonsense bill. We must not delay to act when the security of our Nation's fortress is in question.

Mr. CANADY of Florida. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4827, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4640) 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, as amended.

The Clerk read as follows:

H.R. 4640

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 ''DNA Analysis Backlog Elimination Act of 2000''.

SEC. 2. AUTHORIZATION OF GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General may make grants to eligible States for use by the State for the following purposes:

(1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3)).

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

(3) To increase the capacity of laboratories owned by the State or by units of local government within the State to carry out DNA analyses of samples specified in paragraph (2).

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

(1) provide assurances that the State has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

(2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to 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));

(3) include a certification that the State has determined, by statute, rule, or regulation, those offenses under State law that shall be treated for purposes of this section as qualifying State offenses;

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

(5) specify that portion of grant amounts that the State shall use for the purpose specified in subsection (a)(3).

(c) CRIMES WITHOUT SUSPECTS.—A State that proposes to allocate grant amounts under paragraph (4) or (5) of subsection (b) for the purposes specified in paragraph (2) or (3) of subsection (a) shall use such allocated amounts to conduct or facilitate DNA analyses of those samples that relate to crimes in connection with which there are no suspects.

(d) ANALYSIS OF SAMPLES.—

(1) IN GENERAL.—The plan shall require that, except as provided in paragraph (3), each DNA analysis be carried out in a laboratory that satisfies quality assurance standards and is—

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

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

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

(B) For purposes of this section, 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)).

(3) USE OF VOUCHERS FOR CERTAIN PURPOSES.—A grant for the purposes specified in paragraph (1) or (2) of subsection (a) may be made in the form of a voucher for laboratory services, which may be redeemed at a laboratory operated by a private entity approved by the Attorney General that satisfies quality assurance standards. The Attorney General may make payment to such a laboratory for the analysis of DNA samples using amounts authorized for those purposes under subsection (j).

(e) RESTRICTIONS ON USE OF FUNDS.—

(1) NONSUPPLANTING.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this Act.

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

(f) REPORTS TO THE ATTORNEY GENERAL.—Each State which 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 is expended, a report at such time and in such manner as the Attorney General may reasonably require, which 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.

(g) 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 the Congress a report that includes—

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

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

(h) EXPENDITURE RECORDS.—

(1) IN GENERAL.—Each State which receives a grant under this section shall keep 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 which receives a grant under this section shall make available, for the purpose of audit and examination, such records as are related to the receipt or use of any such grant.

(i) DEFINITION.—For purposes of this section, 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.

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

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

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

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

(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 military offense, as determined under section 1565 of title 10, United States Code.

(3) INDIVIDUALS ALREADY IN CODIS.—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as ''CODIS'') of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, or if a DNA sample has been collected from that individual under section 1565 of title 10, United States Code, the Director of the Bureau of Prisons or the probation office responsible (as applicable) may (but need not) collect a DNA sample from that individual.

(4) COLLECTION PROCEDURES.—(A) The Director of the Bureau of Prisons or the probation office responsible (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

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

(5) CRIMINAL PENALTY.—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

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

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

(c) DEFINITIONS.—In this section:

(1) The term ''DNA sample'' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term ''DNA analysis'' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

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

(A) Murder (as described in section 1111 of such title), voluntary manslaughter (as described in section 1112 of such title), or other offense relating to homicide (as described in

chapter 51 of such title, sections 1113, 1114, 1116, 1118, 1119, 1120, and 1121).

(B) An offense relating to sexual abuse (as described in chapter 109A of such title, sections 2241 through 2245), to sexual exploitation or other abuse of children (as described in chapter 110 of such title, sections 2251 through 2252), or to transportation for illegal sexual activity (as described in chapter 117 of such title, sections 2421, 2422, 2423, and 2425).

(C) An offense relating to peonage and slavery (as described in chapter 77 of such title).

(D) Kidnapping (as defined in section 3559(c)(2)(E) of such title).

(E) An offense involving robbery or burglary (as described in chapter 103 of such title, sections 2111 through 2114, 2116, and 2118 through 2119).

(F) Any violation of section 1153 involving murder, manslaughter, kidnapping, maiming, a felony offense relating to sexual abuse (as described in chapter 109A), incest, arson, burglary, or robbery.

(G) Any attempt or conspiracy to commit any of the above offenses.

(2) The initial determination of qualifying Federal offenses shall be made not later than 120 days after the date of the enactment of this Act.

(e) REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall be carried out under regulations prescribed by the Attorney General.

(2) PROBATION OFFICERS.—The Director of the Administrative Office of the United States Courts shall make available model procedures for the activities of probation officers in carrying out this section.

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

SEC. 4. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN DISTRICT OF COLUMBIA 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 District of Columbia offense (as determined under subsection (d)).

(2) FROM INDIVIDUALS ON RELEASE, PAROLE, OR PROBATION.—The Director of the Court Services and Offender Supervision Agency for the District of Columbia shall collect a DNA sample from each individual under the supervision of the Agency who is on supervised release, parole, or probation who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

(3) INDIVIDUALS ALREADY IN CODIS.—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as ''CODIS'') of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, the Director of the Bureau of Prisons or Agency (as applicable) may (but need not) collect a DNA sample from that individual.

(4) COLLECTION PROCEDURES.—(A) The Director of the Bureau of Prisons or Agency (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or Agency, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) CRIMINAL PENALTY.—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

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

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

(c) DEFINITIONS.—In this section:

(1) The term ''DNA sample'' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term ''DNA analysis'' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) QUALIFYING DISTRICT OF COLUMBIA OFFENSES.—The Government of the District of Columbia may determine those offenses under the District of Columbia Code that shall be treated for purposes of this section as qualifying District of Columbia offenses.

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

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Court Services and Offender Supervision Agency for the District of Columbia to carry out this section such sums as may be necessary for each of fiscal years 2001 through 2005.

SEC. 5. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN OFFENDERS IN THE ARMED FORCES.

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

''§ 1565. DNA identification information: collection from certain offenders; use

''(a) COLLECTION OF DNA SAMPLES.—(1) The Secretary concerned shall collect a DNA sample from each member of the armed forces under the Secretary's jurisdiction who is, or has been, convicted of a qualifying military offense (as determined under subsection (d)).

''(2) For each member described in paragraph (1), if the Combined DNA Index System (in this section referred to as 'CODIS') of the Federal Bureau of Investigation contains a DNA analysis with respect to that member, or if a DNA sample has been or is to be collected from that member under section 3(a) of the DNA Analysis Backlog Elimination Act of 2000, the Secretary concerned may (but need not) collect a DNA sample from that member.

''(3) The Secretary concerned may enter into agreements with other Federal agencies, units of State or local government, or private entities to provide for the collection of samples described in paragraph (1).

''(b) ANALYSIS AND USE OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall—

(1) carry out a DNA analysis on each such DNA sample in a manner that complies with the requirements for inclusion of that analysis in CODIS; and

(2) furnish the results of each such analysis to the Director of the Federal Bureau of Investigation for inclusion in CODIS.

''(c) DEFINITIONS.—In this section:

''(1) The term 'DNA sample' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

''(2) The term 'DNA analysis' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

''(d) QUALIFYING MILITARY OFFENSES.—(1) Subject to paragraph (2), the Secretary of Defense, in consultation with the Attorney General, shall determine those felony or sexual offenses under the Uniform Code of Military Justice that shall be treated for purposes of this section as qualifying military offenses.

''(2) An offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000), as determined by the Secretary in consultation with the Attorney General, shall be treated for purposes of this section as a qualifying military offense.

''(e) EXPUNGEMENT.—(1) The Secretary of Defense shall promptly expunge, from the index described in subsection (a) of section 210304 of the Violent Crime Control and Law Enforcement Act of 1994, the DNA analysis of a person included in the index on the basis of a qualifying military offense if the Secretary receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

''(2) For purposes of paragraph (1), the term 'qualifying offense' means any of the following offenses:

''(A) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

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

''(C) A qualifying military offense.

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

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

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

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

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

(c) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under section 1565(a) of such title, as added by subsection (a)(1), shall, subject to the availability of appropriations, commence not later than the date that is 60 days after the date of the initial determination referred to in subsection (b).

SEC. 6. EXPANSION OF DNA IDENTIFICATION INDEX.

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

''(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include analyses of DNA samples collected from—

''(A) individuals convicted of a qualifying Federal offense, as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000;

''(B) individuals convicted of a qualifying District of Columbia offense, as determined under section 4(d) of the DNA Analysis Backlog Elimination Act of 2000; and

''(C) members of the Armed Forces convicted of a qualifying military offense, as determined under section 1565(d) of title 10, United States Code.''.

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (b)(1), by inserting after ''criminal justice agency'' the following: ''(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual'';

(3) in subsection (b)(3), by inserting after ''criminal justice agencies'' in the matter preceding subparagraph (A) the following: ''(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)''; and

(4) by adding at the end the following new subsection:

''(d) EXPUNGEMENT OF RECORDS.—

''(1) BY DIRECTOR.—(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index on the basis of a qualifying Federal offense or a qualifying District of Columbia offense (as determined under section 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000, respectively) if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

''(B) For purposes of subparagraph (A), the term 'qualifying offense' means any of the following offenses:

''(i) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

''(ii) A qualifying District of Columbia offense, as determined under section 4 of the DNA Analysis Backlog Elimination Act of 2000.

''(iii) A qualifying military offense, as determined under section 1565 of title 10, United States Code.

''(C) For purposes of subparagraph (A), a court order is not 'final' if time remains for an appeal or application for discretionary review with respect to the order.

''(2) BY STATES.—(A) As a condition of access to the index described in subsection (a), a State shall promptly expunge from that index the DNA analysis of a person included in the index by that State if the responsible agency or official of that State receives, for each conviction of the person of an offense on the basis of which that analysis was or could have been included in the index, a certified copy of a final court order establishing that such conviction has been overturned.

''(B) For purposes of subparagraph (A), a court order is not 'final' if time remains for an appeal or application for discretionary review with respect to the order.''.

SEC. 7. CONDITIONS OF RELEASE.

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

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (8) the following:

''(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.''.

(b) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before ''The court shall also order'' the following: ''The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.''.

(c) CONDITIONS OF PAROLE.—Section 4209 of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting before ''In every case, the Commission shall also impose'' the following: ''In every case, the Commission shall impose as a condition of parole that the parolee cooperate in the collection of a DNA sample from the parolee, if the collection of such a sample is authorized pursuant to section 3 or section 4 of the DNA Analysis Backlog Elimination Act of 2000 or section 1565 of title 10.''.

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

SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

(b) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended by striking '', at regular intervals not exceeding 180 days,'' and inserting ''semiannual''.

(c) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General to carry out this Act (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such Act, as determined by the Attorney General) such sums as may be necessary.

SEC. 10. PRIVACY PROTECTION STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), any sample collected under, or any result of any analysis carried out under, section 2, 3, or 4 may be used only for a purpose specified in such section.

(b) PERMISSIVE USES.—A sample or result described in subsection (a) may be disclosed under the circumstances under which disclosure of information included in the Combined DNA Index System is allowed, as specified in subparagraphs (A) through (D) of section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3)).

(c) CRIMINAL PENALTY.—A person who knowingly—

(1) discloses a sample or result described in subsection (a) in any manner to any person not authorized to receive it; or

(2) obtains, without authorization, a sample or result described in subsection (a),

shall be fined not more than $100,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4640.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4640, the DNA Analysis Backlog Elimination Act, was introduced by the gentleman from Florida (Mr. MCCOLLUM) together with the gentleman from Virginia (Mr. SCOTT) the ranking minority member, the gentleman from Ohio (Mr. CHABOT), the gentleman from New York (Mr. WEINER), and the gentleman from New York (Mr. GILMAN) to address an important problem, the massive backlog of biological samples awaiting DNA analysis in the States.

According to the Justice Department's Bureau of Justice Statistics, approximately 69 percent of publicly operated forensic crime labs across the country have a backlog of unprocessed samples awaiting DNA analysis. While we do not have solid numbers for the total of crime scene and victim samples awaiting analysis, some estimates run into the tens of thousands.

We do know that the backlog of unprocessed samples taken from convicted offenders is nearing 300,000. Even the FBI's own crime lab in Washington has a backlog of samples awaiting DNA analysis.

Our bill addresses this problem by authorizing funding to eliminate the backlog. States seeking funding under the program created by the bill will be required to make application for this funding through the Justice Department's Office of Justice Programs. States seeking these funds will be required to develop and submit to that office a comprehensive plan to eliminate any backlog of samples awaiting DNA analysis.

Many of the samples analyzed will be loaded into the FBI's Combined DNA Index System, known as ''CODIS,'' a national compute database authorized by Congress in 1994. The purpose of this database is to match DNA samples from crime scenes where there are no suspects with the DNA of convicted offenders.

Clearly, the more samples we have in the system, the greater the likelihood we will come up with matches and solve cases.

One glaring omission in the law that authorized CODIS is that it did not authorize the taking of DNA samples from persons convicted of Federal offenses, District of Columbia offences, and offenses under the Uniform Code of Military Justice. H.R. 4640 will correct that omission. The offenses triggering the sample requirement for Federal and military offenders are specified in the bill and consistent of a number of felony crimes, most involving violence or sex offenses.

The bill leaves it to the District of Columbia government to determine those offenses that will trigger the sample requirement under District of Columbia law. Also, as amended, the bill requires that samples of offenders whose convictions are overturned be removed from the CODIS database. This will be the requirement regardless of whether the offender was convicted of a Federal or State crime.

H.R. 4640 is similar to three bills introduced by the gentleman from Rhode Island (Mr. KENNEDY), the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. GILMAN), all three of which were the subject of a hearing before the Subcommittee on Crime on March 23, 2000. The bill before us today builds on the foundation laid by those bills, and I am pleased that the sponsors of those bills are original cosponsors of H.R. 4640.

As this bill has moved through the committee, it has been approved by amendments on both sides. The result is a very good bill, and I am pleased that this bill is the product of that bipartisan cooperation.

I am also pleased to inform my colleagues that H.R. 4640 is supported by the administration, the Federal Law Enforcement Officers Association, and the Fraternal Order of Police.

I want to particularly acknowledge the leadership of the gentleman from Florida (Mr. MCCOLLUM) the chairman of the Subcommittee on Crime, on this important legislation. He has really made it possible for us to bring this legislation forward here today.

I also want to particularly thank the gentleman from Virginia (Mr. SCOTT) the ranking member of the Subcommittee on Crime, for all of his help in crafting the legislation and for being an original cosponsor of the bill which is before the House now.

I urge all of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the DNA Analysis Backlog Elimination Act of 2000. This bill represents a compilation of the fine effort by several of our colleagues to address the DNA analysis backlog that has accumulated at laboratories all over the country.

Earlier we conducted in the Subcommittee on Crime hearings on three DNA backlog elimination bills introduced by the gentleman from New York (Mr. GILMAN), the gentleman from Michigan (Mr. STUPAK), the gentleman from Rhode Island (Mr. KENNEDY) and members of the Committee on the Judiciary, the gentleman from New York (Mr. WEINER) and the gentleman from Ohio (Mr. CHABOT).

Elimination of the DNA analysis backlog would be a significant step forward in having our criminal justice system more accurately dispense justice. Not only will it greatly enhance the efficiency and effectiveness of our criminal justice systems throughout the country, but it would also save lives by allowing apprehension and detention of dangerous individuals while eliminating the prospects that innocent individuals would be wrongly held for crimes that they did not commit.

At the same time, I think it is important to recognize that with this expansion comes the increased likelihood that DNA samples and analyses may be misused. We must be ever mindful of our responsibility to protect the privacy of this DNA information, ensuring that it be used only for law enforcement purposes.

To that end, I was pleased that the Committee on the Judiciary agreed to an amendment that would impose criminal penalties for anyone who uses DNA samples or analyses for purposes not designated by the law enforcement officials.

I am also grateful that the majority provided for the expungement of DNA information on individuals whose convictions have been overturned on appeal.

In addition to the criminal penalties for misuse of DNA, I believe that we should encourage each State to develop a specific security protocol to prevent misuse of such samples, since the DNA does include sensitive personal information. This approach will be the only way to ensure that DNA analysis will not be used for unlawful purposes.

This legislation is a positive step for law enforcement, but I am disappointed that it does not include any requirement on States to provide access to DNA testing to convicted persons who did not have the opportunity for DNA testing at the time of their trial. I am hoping that the next Congress will consider additional legislation which would ensure that funds provided for H.R. 4640 might be made available to provide persons who want to prove that they were wrongfully convicted.

Nevertheless, Mr. Speaker, I am very aware of the benefits of this legislation. In fact, through his outstanding work in Virginia, Dr. Paul B. Ferrara, Virginia's Director of the Division of Forensic Sciences, has led efforts in this country on the use of DNA for criminal justice purposes. That is why I am pleased to be a cosponsor of this legislation and urge my colleagues to support the bill.

Mr. STUPAK. Mr. Speaker, I am pleased that the U.S. House is today taking up the DNA Analysis Backlog Elimination Act of 2000 bill. I originally introduced a bill addressing the DNA backlog problem with my colleagues Mr. GILMAN and Mr. RAMSTAD in November 1999. I am so pleased to support this bill on suspension today, as this body acts to bring desperately needed help to our law enforcement during these waning days of the 106th Congress.

This help does not come a moment too soon.

I would like to thank Mr. MCCOLLUM, Mr. SCOTT, Mr. CHABOT, Mr. WEINER and Mr. KENNEDY and all the other Judiciary Committee members who devoted their time and energy to move this important issue to the forefront. This bill would not be on the floor today without the hard work of these members, who held hearings and worked to craft this joint legislation.

This bill helps states and the FBI take a giant step in the fight against crime by eliminating the national backlog of DNA records. Federal, state and local law enforcement will be more connected, and better able to work together to solve crimes. It also closes significant loopholes that currently exist whereby the DNA samples of federal, military and District of Columbia serious offenders are not being collected. Lastly, it contains important privacy and expungement provisions, so that the rights of individual are protected as well.

Right now, state and local police departments cannot deal with the number of DNA samples from convicted offenders and unsolved crimes. These states simply do not have enough time, money, or resources to test and record these samples.

According to the Detroit Free Press, as of May 2000, Michigan has collected 15,000 blood samples from sex offenders since 1991, but state police have so far only run DNA analysis on 500 of them! This is truly frightening.

Unanalyzed and unrecorded DNA samples are useless to law enforcement and to criminal investigations. Let me illustrate why we need these samples tested and recorded, why we need this bill.

John Doe is a convicted offender serving time for a sexual assault. By law, his DNA has been collected, but because of the backlog, it has not been tested and is not in the law enforcement database. John Doe gets out of jail, he commits another sexual assault, and gets away, unidentified by the victim.

Even if the police collect his DNA from the subsequent crime scene, he will not be caught, and his DNA will not be matched up, because his previous DNA sample is sitting on a shelf, still waiting to be tested. In Michigan, his sample would be sitting with the almost 15,000 other samples—untested and therefore useless.

John Doe will stay on the streets, and he will commit more crimes.

This bill does not come a moment too soon, every day that goes by, a real John Doe is out there, committing more rapes, robberies, murders, when he could have been stopped.

This bill also ensures that the DNA samples of federal, District of Columbia, and military offenders are analyzed. The broader the database police have to work with, the better their ability to solve unsolved crimes and prevent future ones.

Because of this bill, you will see the number of unsolved cases go down, and you might see some people freed from jail, exonerated by the new DNA records available. It opens a door to better all around law enforcement and criminal investigation.

We are answering the call for help by police, communities, and victims, and it will save lives. This bill finally strikes back at criminals that until now have been able to strike and strike again and again at our society without being caught.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank, Mr. MCCOLLUM, Mr. SCOTT, and the other Members of the Judiciary Committee for their hard work on this important crime issue.

In September of last year, I introduced, along with Congressman CHABOT and Congressman VISCLOSKY, The Violent Offender DNA Identification Act of 1999, H.R. 2810.

This bipartisan measure is the predecessor bill to H.R. 4640, which I also was proud to cosponsor.

These bills will put more criminals behind bars by correcting practical and legal obstacles that leave crucial DNA evidence unused and too many violent crimes unsolved.

Every week we hear stories about DNA evidence. Whether it is a prisoner on death row for a crime he didn't commit who is released by DNA evidence or a criminal suspect finally brought to justice using DNA evidence, DNA is making headlines.

Currently, all 50 states require DNA samples to be obtained from certain convicted offenders, and these samples can be shared through a national data base known as CODIS.

The data base is installed in over ninety laboratories and nearly five hundred thousand samples are classified and stored in it.

To date, the FBI has recorded hundreds of matches through DNA data bases, helping solve numerous crimes. As valuable as this system is, it is not being utilized effectively. The problems with the current system include backlog and jurisdiction.

The FBI estimates that there are several hundred thousand DNA samples that have been collected, but still need to be analyzed.

In my State of Rhode Island, the DNA collection began only a year and one half ago, but already there is a backlog of a hundred samples.

Today's bipartisan bill, which was crafted with input from organizations including the FBI and the ACLU, would address this backlog problem and ensure that more crimes will be solved through the matching of DNA evidence.

The bill does two critical things. First, it provides one hundred and seventy million dollars in grants to eliminate the backlog to states to increase their capability to perform DNA analysis. Second, the bill allows Federal, Military and District of Columbia law enforcement agencies to collect DNA evidence.

Under current law, Federal Courts and the local courts of the District of Columbia do not have this ability.

The Federal Courts and the District of Columbia have indicated their support for the ability to conduct testing as states do.

From my home State of Rhode Island, I have heard from lab experts and local law enforcement leaders on the need for this legislation.

It is clear that law enforcement supports legislation in this area. And it is our job in Congress to balance this law enforcement need with the privacy needs of our citizens.

Recently, Congress has been very active on the DNA backlog issue.

I strongly feel that H.R. 4640, however, is the most effective piece of legislation on this topic because it has several provisions to guarantee civil liberties, excludes juveniles from this database and provides for the automatic right to expungement of a sample if a conviction is overturned.

The main sponsors of H.R. 4640, particularly the Ranking Member of the Crime Subcommittee, Mr. SCOTT, worked extensively with the ACLU to address many of their concerns, while taking our underlying model for the bill from the FBIs recommendations.

I feel strongly, that there are several areas of H.R. 4640 that could have been improved upon—including the clear prohibition on the use of funds for arrestee testing, and more specific requirements on States to provide DNA testing to convicted persons who did not have access at the time of their trial.

But, overall this bill has been crafted with the careful and attentive work of both sides of the aisle, in the hopes that it may be further improved during a conference with the other body.

In a bipartisan fashion, we attended to many civil liberty concerns and, therefore, narrowed the types of crimes covered, mandated stricter protocols for the use of DNA, and excluded juvenile offenders.

In this process, we came up with a bill that all members of the House can support.

Violent criminals should not be able to evade arrest simply because a state didn't analyze its DNA samples or because an inexcusable loophole leaves Federal and D.C. offenders out of the DNA data base.

We have the technology to revolutionize law enforcement and forensic science and the key to unlock the door of unsolved crimes—we must use this capacity and make these goals a reality.

Lastly, I want to recognize the hard work of several staffers who were integral in bringing this bill to the floor, most notably. Mr. Bobby Vassar, Minority Counsel for the Judiciary Committee, Mr. Glenn Schmitt with the Majority staff, and Ms. Elizabeth Treanor, Counsel for Mr. Chabot.

I urge all of my colleagues to support the "DNA Analysis Backlog Elimination Act."

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

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

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

State forensic laboratories have also accumulated a backlog of evidence for cases for which there are no suspects. These are evidence "kits" for unsolved violent crimes which are stored away because our State forensic laboratories do not have the support necessary to analyze them and compare the evidence to our nationwide data bank. Presently, there are approximately 12,000 rape cases in New York City alone, and, it is estimated, approximately 180,000 rape cases nationwide, which are unsolved and unanalyzed. This number represents a dismal future for the success for CODIS and reflects the growing problem facing our law enforcement community. The DNA Analysis Backlog Elimination Act will provide States with the support necessary to combat these growing backlogs. The successful elimination of both the convicted violent offender backlog and the unsolved casework backlog will play a major role in the future of out State's crime prevention and law enforcement efforts.

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

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

In conclusion, we must ensure that our nation's law enforcement has the equipment and support necessary to fight violent crime and protect our communities. The DNA Analysis Backlog Elimination Act will assist our local,

State and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of H.R. 4640, which would assist the states in reducing the backlog of DNA samples that have been collected from convicted offenders and crime scenes.

Recent reports indicate that in my own home state of California there are more than 100,000 unprocessed DNA samples. Even using the state's most optimistic projections, it will take two years to clear that backlog.

Many states are similarly situated. Mired with both funding and collection problems, the U.S. solves far fewer crimes with DNA. But, the potential for improvement is great. While the U.S. may never match Great Britain, which has a long-established DNA database and is reported to crack 300 to 500 cases a week, reducing the backlog of DNA samples will provide both law enforcement with an increasingly important investigative and prosecutorial tool.

H.R. 4640 addresses the backlog by providing a series of grants to assist the states in processing DNA samples collected from violent offenders and samples collected from crime scenes and victims of crime. Specifically, the bill authorizes $15 million a year in grants for the next three years to process convicted offender DNA samples. In addition, it provides $25 million to reduce the backlog of crime scene samples, an intrinsically more expensive processing, by both expanding state laboratory facilities and allowing states to contract with private labs.

As important, the bill closes a loophole that has existed with respect to individuals convicted of violent federal crimes and held in federal facilities. Currently, there is no requirement that DNA samples be taken from persons convicted of certain federal crimes. H.R. 4640 fixes this oversight. Of particular interest to me is the bill's requirement that DNA be collected from individuals convicted of violent and sexual offenses under the Uniform Code of Military Justice (UCMJ).

I authored a similar provision in the House-passed FY01 National Defense Authorization Act (H.R. 4205). That language required the Department of Defense to collect, process and analyze DNA identification information from violent and sexual offenders and to provide that information to the Combined DNA Index System (CODIS), national registry of DNA samples. Currently, the Department is not required to collect DNA samples from individuals convicted of qualifying UCMJ offenses.

There is clearly a need to close this loophole. In calendar year 1999, the total number of prisoners under confinement within the Department of Defense correctional facilities for terms other than life or a sentence of death was 963. Of those, 51.5% were confined because of violent and sexual offenses, the kind of offenses for which both H.R. 4640 and H.R. 4205 would require the DoD to collect DNA samples. Under both bills, the DoD would collect, process and analyze DNA samples and provide them to the CODIS database.

Several statistics about the characteristics of the civilian prison population underscore the importance of closing this loophole.

While the number of veterans in the prison facilities nationwide declined as a percentage of the total prison population between 1985 and 1998, the absolute number rose 46%, from 154,600 to 225,700. According to the most recent data available (1997), a majority (55%) of veterans was sentenced for a violent offense (compared to 46% for non-veterans). And, veterans were twice as likely as non-veterans to be sentenced for a sexual assault, including rape (18% versus 7%).

The data do not answer precisely the question of how many veterans have a prior conviction as a member of the Armed Forces before a subsequent contact with the federal, state or local criminal justice system. However, the data show that 13.8% of the veterans in local jails, 17.4% of veterans in state prison, and 14.9% of veterans in federal prison were not honorably discharged. Many of these veterans had more serious criminal histories than those incarcerated veterans who had been honorably discharged. In fact, 43% of veterans not honorably discharged had at least three prior sentences, compared to 36% of those honorably discharged.

These data support the argument for imposing on the Department of Defense the requirement to collect DNA samples from service members convicted of a qualifying violent or sexual offense. By requiring the collection of DNA, it is likely that service members convicted of a qualifying UCMJ offense may be more readily identified, and quite possibly cleared, should they be suspected of perpetrating a violent crime as a civilian.

I strongly support H.R. 4640. It makes major strides in assisting the states in reducing the DNA backlog and in closing a loophole by which DNA samples from certain federal prisoners was not collected nor added to the national DNA database.

I urge passage of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to extend my gratitude to my colleagues who are interested in providing the fairest possible procedures in the application of the death penalty, the most serious punishment in the criminal justice system.

Much progress has been made since the recent mark-up session regarding this bill. In general, H.R. 4640 provides for the collection and use of DNA identification information from individuals convicted of a qualifying violent or sexual offense under the Federal code, UCMJ, or District of Columbia Code.

DNA (deoxyribonucleic acid), a high tech genetic fingerprint, was first introduced into evidence in a United States court in 1986. After surviving many court challenges, DNA evidence is now admitted in all United States jurisdictions. In fact, it has become the predominant forensic technique for identifying criminals when biological issues are left at a crime scene.

In the Violent Crime Control and Law Act of 1994 (1994 Crime Bill), Congress authorized the FBI to create a national index of DNA samples taken from convicted offenders, crime scenes and victims, and unidentified human remains. This was a crucial step forward because DNA has played such a significant role in our criminal justice system.

In response, the FBI established the Combined DNA index System (CODIS). CODIS allows State and local forensic laboratories to exchange and compare DNA profiles electronically in an attempt to link evidence from crime scenes for which there are no suspects to DNA samples on file in the system. Today, CODIS is well established across the nation.

All fifty states have enacted statutes requiring certain convicted offenders to provide DNA samples for analysis and entry into the CODIS system. Nevertheless, it is important to point out that samples from persons convicted of federal crimes, crimes under the District of Columbia code, or offenses under the Uniform Code of Military Justice (UCMJ), are not presently being taken because there is no statutory authority to do so.

In addition, the Department of Justice's Bureau of Statistics (BJA) reports that as of December 1997, approximately 60 percent of the publicly operated forensic crime labs across the country reported a DNA backlog totaling 6,800 unprocessed DNA case samples and an additional 287,000 unprocessed convicted offender samples. While I am encouraged that forensic labs have responded by hiring additional staff and increasing overtime, Congress has merely appropriated $30 million toward solving the problem. Like some of my colleagues, I am concerned that the backlog continues to grow without adequate resources.

To qualify for funding under this legislation, a state must develop a plan to eliminate any backlog of samples and federal funding under the program may be awarded for up to 75 percent of the cost of the states plan. This is an important step forward in the use of DNA evidence in our federal courts.

I also believe that this legislation would ensure the collection and use of DNA identification information in CODIS from persons convicted of a qualifying violent or sexual offense under the federal code, UCMJ, or District of Columbia Code. Indeed, technical revisions have been made to the preliminary legislation that only strengthen the bill's application several offenses.

It is crucial for defendants to have access to the CODIS system in circumstances that possibly establish innocence. This is particularly important, for instance, in the growing number of capital cases where DNA identification information make a crucial difference.

Reducing the backlog regarding DNA identification information in federal courts is very important for our criminal justice system. To the extent that this legislation helps to eliminate the backlog through these grants, we can work towards establishing a more reliable justice system.

Mrs. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4640, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STOP MATERIAL UNSUITABLE FOR TEENS ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4147) to amend title 18, United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors.