for debate prior to the vote in relation to the amendment, with no second-degree amendment in order prior to a vote in relation to the amendment, with the time equally divided and controlled as follows: Senator DODD controlling time in support of the amendment, and the time in opposition controlled equally between Senators INOUYE and CAMPBELL; that at 10:15 a.m., without further intervening action or debate, the Senate proceed to vote in relation to the amendment; that if the amendment is not tabled, it remain debatable and amendable.

The PRESIDING OFFICER. Without objection, it is so ordered.

DNA SEXUAL ASSAULT JUSTICE ACT OF 2002

Mr. REID. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 501, S. 2513.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2513) to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Delete the part printed in black brackets and insert the part printed in italic.]

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''DNA Sexual Assault Justice Act of 2002''.

[SEC. 2. ASSESSMENT ON BACKLOG IN DNA ANALYSIS OF SAMPLES.

[(a) ASSESSMENT.—

[(1) IN GENERAL.—The Attorney General shall survey each law enforcement jurisdiction to assess the backlog of DNA testing of rape kit samples and other sexual assault evidence.

[(2) DETERMINATIONS.—The Attorney General, acting through the Director of the National Institute of Justice, shall carry out an assessment of Federal, State, local, and tribal territories law enforcement jurisdictions to determine the amount of—

[(A) evidence contained in rape kits that has not been subjected to DNA testing and analysis; and

[(B) evidence from sexual assault crimes that has not been subjected to DNA testing and analysis.

[(b) REPORT.—

[(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the assessment carried out under subsection (a).

[(2) CONTENTS.—The report submitted under paragraph (1) shall include—

[(A) the results of the assessment carried out under subsection (a);

[(B) the number of rape kit samples and other evidence from sexual assault crimes that have not been subjected to DNA testing and analysis; and

[(C) a plan for carrying out additional assessments and reports to continue until all law enforcement jurisdictions report no backlog in crime scene DNA testing and analysis.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

[SEC. 3. GRANTS FOR ANALYSIS OF DNA SAMPLES FROM RAPE KITS.

[Section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)) is amended—

[(1) in paragraph (2), by inserting ''including samples from rape kits and nonsuspect cases'' after ''crime scene''; and

[(2) by adding at the end the following:

[''(4) To ensure that DNA testing and analysis of samples from rape kits and nonsuspect cases are carried out in a timely manner.''.

[SEC. 4. INCREASED GRANTS FOR DNA ANALYSIS.

[Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

[(1) in paragraph (1)—

[(A) in subparagraph (B), by striking ''and'' at the end; and

[(B) by striking subparagraph (C) and inserting the following:

[''(C) $25,000,000 for fiscal year 2003;

[''(D) $25,000,000 for fiscal year 2004;

[''(E) $25,000,000 for fiscal year 2005; and

[''(F) $25,000,000 for fiscal year 2006.''; and

[(2) in paragraph (2), by striking subparagraphs (C) and (D) and inserting the following:

[''(C) $100,000,000 for fiscal year 2003;

[''(D) $100,000,000 for fiscal year 2004;

[''(E) $50,000,000 for fiscal year 2005; and

[''(F) $50,000,000 for fiscal year 2006.''.

[SEC. 5. AUTHORITY OF LOCAL GOVERNMENTS TO APPLY FOR AND RECEIVE DNA BACKLOG ELIMINATION GRANTS.

[Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

[(1) in subsection (a), by inserting ''or eligible units of local government'' after ''eligible States'';

[(2) in subsection (b)—

[(A) in the matter preceding paragraph (1), by inserting ''or unit of local government'' after ''State'' each place that term appears;

[(B) in paragraph (1), by inserting ''or unit of local government'' after ''State'';

[(C) in paragraph (3), by inserting ''or unit of local government'' after ''State'' the first time that term appears;

[(D) in paragraph (4)—

[(i) by inserting ''or unit of local government'' after ''State''; and

[(ii) by striking ''and'' after the semicolon;

[(E) in paragraph (5)—

[(i) by inserting ''or unit of local government'' after ''State''; and

[(ii) by striking the final period and inserting ''; and''; and

[(F) by adding at the end the following:

[''(6) if the applicant is a unit of local government, certify that the applicant participates in a State laboratory system.'';

[(3) in subsection (c), by inserting ''or unit of local government'' after ''State'';

[(4) in subsection (d)(2)(A), by inserting ''or units of local government'' after ''States'';

[(5) in subsection (e)—

[(A) in paragraph (1), by inserting ''or local government'' after ''State'' each place that term appears; and

[(B) in paragraph (2), by inserting ''or unit of local government'' after ''State'';

[(6) in subsection (f), by inserting ''or unit of local government'' after ''State'';

[(7) in subsection (g)—

[(A) in paragraph (1), by inserting ''or unit of local government'' after ''State''; and

[(B) in paragraph (2), by inserting ''or units of local government'' after ''States''; and

[(8) in subsection (h), by inserting ''or unit of local government'' after ''State'' each place that term appears.

[SEC. 6. IMPROVING ELIGIBILITY CRITERIA FOR BACKLOG GRANTS.

[Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

[(1) in subsection (b)—

[(A) in paragraph (5), by striking the period at the end and inserting: ''; and''; and

[(B) by adding at the end the following:

[''(6) ensure that each laboratory performing DNA testing or analysis satisfies the quality assurance protocols and practices described in subsection (d)(2).''; and

[(2) by adding at the end the following:

[''(k) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to a State or unit of local government that has a significant rape kit or nonsuspect case backlog as compared to other applicants.''.

[SEC. 7. AUTHORIZATION FOR GRANTS FOR IMPROVED RESPONSES TO AND INVESTIGATION OF SEXUAL ASSAULT CASES.

[(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

[(1) carry out sexual assault examiner training and certification;

[(2) develop sexual assault examiner programs;

[(3) acquire or improve forensic equipment;

[(4) train law enforcement personnel in the handling of sexual assault cases and the collection and use of DNA samples for use as forensic evidence; and

[(5) train law enforcement personnel to recognize, detect, report, and respond to drug-facilitated sexual assaults.

[(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' means—

[(1) a State;

[(2) a unit of local government;

[(3) a college, university, or other institute of higher learning;

[(4) sexual assault examination programs, including sexual assault forensic examiner (SAFE) programs, sexual assault nurse examiner (SANE) programs, and sexual assault response team (SART) programs; and

[(5) a State sexual assault coalition.

[(c) APPLICATION.—To receive a grant under this section—

[(1) the chief executive officer of a State, unit of local government, or university that desires a grant under this section shall submit to the Attorney General—

[(A) an application in such form and containing such information as the Attorney General may require;

[(B) certification that the testing will be done in a laboratory that complies with the quality assurance and proficiency testing standards for collecting and processing DNA samples issued by the Director of the Federal Bureau of Investigation under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131);

[(C) notice that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes; and

[(D) if the applicant is a unit of local government, certification that the applicant participates in a State laboratory system; and

[(2) an existing or proposed sexual assault examination program shall submit to the Attorney General—

[(A) an application in such form and containing such information as the Attorney General may require;

[(B) certification that the program complies with the standards and recommended

protocol developed by the Attorney General pursuant to section 1405 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

[(C) notice that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes.

[(d) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to proposed or existing sexual assault examination programs that are serving, or will serve, populations currently underserved by existing sexual assault examination programs.

[(e) RESTRICTIONS ON USE OF FUNDS.—

[(1) SUPPLEMENTAL FUNDS.—Funds made available under 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 section.

[(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 3 percent of the funds it receives under this section for administrative expenses.

[(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of proposed or existing sexual assault examination programs to apply for and obtain Federal funding from any other agency or department or any other Federal Grant program.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $15,000,000 for each of fiscal years 2003 through 2006 to carry out this section.

[SEC. 8. AUTHORIZING JOHN DOE DNA INDICTMENTS.

[(a) LIMITATIONS.—Section 3282 of title 18, United States Code, is amended—

[(1) by striking ''Except'' and inserting the following:

[''(a) LIMITATION.—Except''; and

[(2) by adding at the end the following:

[''(b) DNA PROFILE INDICTMENT.—

[''(1) IN GENERAL.—In any indictment found for an offense under chapter 109A, if the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

[''(2) EXCEPTION.—Any indictment described in paragraph (1), which is found within 5 years after the offense under chapter 109A shall have been committed, shall not be subject to—

[''(A) the limitations period described in subsection (a); and

[''(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

[''(3) DEFINITION.—For purposes of this subsection, the term 'DNA profile' means a set of DNA identification characteristics.''.

[(b) PRIVACY PROTECTION STANDARD.—Section 10(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(a)) is amended by inserting before the period at the end the following: ''or in section 3282(b) of title 18, United States Code''.

[(c) RULES OF CRIMINAL PROCEDURE.—Rule 7 of the Federal Rules of Criminal Procedure is amended in subdivision (c)(1) by adding at the end the following: ''For purposes of an indictment referred to in section 3282 of title 18, United States Code, if the identity of the defendant is unknown, it shall be sufficient to describe the defendant, in the indictment, as an individual whose name is unknown, but who has a particular DNA profile, as defined in that section 3282.''.

[SEC. 9. INCREASED GRANTS FOR COMBINED DNA INDEX (CODIS) SYSTEM.

[Section 210306 of the DNA Identification Act of 1994 (42 U.S.C. 14134) is amended—

[(1) by striking ''There'' and inserting the following:

[''(a) IN GENERAL.—There''; and

[(2) by adding at the end the following:

[''(b) INCREASED GRANTS FOR CODIS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out a redesign of the Combined DNA Index System (CODIS) $9,646,000 for fiscal year 2003.''.

[SEC. 10. INCREASED GRANTS FOR FEDERAL CONVICTED OFFENDER PROGRAM (FCOP).

[Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended by adding at the end the following:

[''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out this section $497,000 for fiscal year 2003.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''DNA Sexual Assault Justice Act of 2002''.

SEC. 2. ASSESSMENT OF BACKLOG IN DNA ANALYSIS OF SAMPLES.

(a) ASSESSMENT.—The Attorney General, acting through the Director of the National Institute of Justice, shall survey Federal, State, local, and tribal law enforcement jurisdictions to assess the amount of DNA evidence contained in rape kits and in other evidence from sexual assault crimes that has not been subjected to testing and analysis.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the assessment carried out under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the results of the assessment carried out under subsection (a);

(B) the number of rape kit samples and other evidence from sexual assault crimes that have not been subjected to DNA testing and analysis; and

(C) a plan for carrying out additional assessments and reports on the backlog in crime scene DNA testing and analysis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Justice to carry out this section $500,000 for fiscal year 2003.

SEC. 3. THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

*(1) by striking the heading and inserting ''**AUTHORIZATION OF DEBBIE SMITH DNA BACKLOG GRANTS.**''; and*

(2) in subsection (a)—

(A) in paragraph (2), by inserting ''including samples from rape kits and samples from other sexual assault evidence, including samples taken in cases with no identified suspect'' after ''crime scene''; and

(B) by adding at the end the following:

''(4) To ensure that DNA testing and analysis of samples from rape kits and nonsuspect cases are carried out in a timely manner.''.

SEC. 4. INCREASED GRANTS FOR ANALYSIS OF DNA SAMPLES FROM CONVICTED OFFENDERS AND CRIME SCENES.

Section 2(j) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(j)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end; and

(B) by striking subparagraph (C) and inserting the following:

''(C) $15,000,000 for fiscal year 2003;

''(D) $15,000,000 for fiscal year 2004;

''(E) $15,000,000 for fiscal year 2005;

''(F) $15,000,000 for fiscal year 2006; and

''(G) $15,000,000 for fiscal year 2007.

Amounts made available to carry out the purposes specified in subsection (a)(1) shall remain available until expended.''; and

(2) in paragraph (2), by striking subparagraphs (C) and (D) and inserting the following:

''(C) $75,000,000 for fiscal year 2003;

''(D) $75,000,000 for fiscal year 2004;

''(E) $75,000,000 for fiscal year 2005;

''(F) $75,000,000 for fiscal year 2006; and

''(G) $25,000,000 for fiscal year 2007.

Amounts made available to carry out the purposes specified in paragraphs (2) and (3) of subsection (a) shall remain available until expended.''.

SEC. 5. AUTHORITY OF LOCAL GOVERNMENTS TO APPLY FOR AND RECEIVE DNA BACKLOG ELIMINATION GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a)—

(A) in the matter preceeding paragraph (1)—

(i) by inserting '', units of local government, or Indian tribes'' after ''eligible States''; and

(ii) by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(B) in paragraph (3), by striking ''or by units of local government'' and inserting '', units of local government, or Indian tribes'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''or unit of local government, or the head of the Indian tribe'' after ''State'' each place that term appears;

(B) in paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(C) in paragraph (3), by inserting '', unit of local government, or Indian tribe'' after ''State'' the first time that term appears;

(D) in paragraph (4), by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(E) in paragraph (5), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(3) in subsection (c), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''or a unit of local government'' and inserting '', a unit of local government, or an Indian tribe''; and

(ii) in subparagraph (B), by striking ''or a unit of local government'' and inserting '', a unit of local government, or an Indian tribe''; and

(B) in paragraph (2)(A), by inserting '', units of local government, and Indian tribes,'' after ''States'';

(5) in subsection (e)—

(A) in paragraph (1), by inserting ''or local government'' after ''State'' each place that term appears; and

(B) in paragraph (2), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(6) in subsection (f), in the matter preceeding paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State'';

(7) in subsection (g)—

(A) in paragraph (1), by inserting '', unit of local government, or Indian tribe'' after ''State''; and

(B) in paragraph (2), by inserting '', units of local government, or Indian tribes'' after ''States''; and

(8) in subsection (h), by inserting '', unit of local government, or Indian tribe'' after ''State'' each place that term appears.

SEC. 6. IMPROVING ELIGIBILITY CRITERIA FOR BACKLOG GRANTS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''and'' after the semicolon;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) if the applicant is a unit of local government, certify that the applicant participates in a State laboratory system;

''(7) provide assurances that, not later than 3 years after the date on which the application is submitted, the State, unit of local government, or Indian tribe will implement a plan for forwarding, not later than 180 days after a DNA evidence sample is obtained, all samples collected in cases of sexual assault to a laboratory that meets the quality assurance standards for testing under subsection (d); and

''(8) upon issuance of the regulations specified in section 10(d), certify that the State, unit of local government, or Indian tribe is in compliance with those regulations.''; and

(2) by adding at the end the following:

''(k) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to a State or unit of local government that has a significant rape kit or nonsuspect case backlog per capita as compared with other applicants.''.

SEC. 7. QUALITY ASSURANCE STANDARDS FOR COLLECTION AND HANDLING OF DNA EVIDENCE.

(a) NATIONAL PROTOCOL.—

(1) IN GENERAL.—The Attorney General shall review national, State, local, and tribal government protocols, that exist on or before the date of enactment of this Act, on the collection and processing of DNA evidence at crime scenes.

(2) RECOMMENDED PROTOCOL.—Based upon the review described in paragraph (1), the Attorney General shall develop a recommended national protocol for the collection of DNA evidence at crime scenes, including crimes of rape and other sexual assault.

(b) STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.—Section 1405(a) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note) is amended—

(1) in paragraph (2), by inserting ''and emergency response personnel'' after ''health care students''; and

(2) in paragraph (3), by inserting ''and DNA evidence collection'' after ''sexual assault forensic examinations''.

SEC. 8. SEXUAL ASSAULT FORENSIC EXAM PROGRAM GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

(1) establish and maintain sexual assault examiner programs;

(2) carry out sexual assault examiner training and certification; and

(3) acquire or improve forensic equipment.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' means—

(1) a State;

(2) a unit of local government;

(3) a college, university, or other institute of higher learning;

(4) an Indian tribe;

(5) sexual assault examination programs, including sexual assault nurse examiner (SANE) programs, sexual assault forensic examiner (SAFE) programs, and sexual assault response team (SART) programs; and

(6) a State sexual assault coalition.

(c) APPLICATION.—To receive a grant under this section—

(1) an eligible entity shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require; and

(2) an existing or proposed sexual assault examination program shall also—

(A) certify that the program complies with the standards and recommended protocol developed by the Attorney General pursuant to section 1405 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

(B) certify that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes.

(d) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to proposed or existing sexual assault examination programs that are serving, or will serve, populations currently underserved by existing sexual assault examination programs.

(e) RESTRICTIONS ON USE OF FUNDS.—

(1) SUPPLEMENTAL FUNDS.—Funds made available under 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 section.

(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 5 percent of the funds it receives under this section for administrative expenses.

(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of proposed or existing sexual assault examination programs to apply for and obtain Federal funding from any other agency or department or any other Federal grant program.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, to remain available until expended, $30,000,000 for each of fiscal years 2003 through 2007 to carry out this section.

SEC. 9. DNA EVIDENCE TRAINING GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General shall make grants to eligible entities to—

(1) train law enforcement personnel and all other first responders at crime scenes, including investigators, in the handling of sexual assault cases and the collection and use of DNA samples for use as forensic evidence;

(2) train State and local prosecutors on the use of DNA samples for use as forensic evidence; and

(3) train law enforcement personnel to recognize, detect, report, and respond to drug-facilitated sexual assaults.

(b) ELIGIBLE ENTITY.—For purposes of this section, the term ''eligible entity'' means—

(1) a State;

(2) a unit of local government;

(3) a college, university, or other institute of higher learning; and

(4) an Indian tribe.

(c) APPLICATION.—To receive a grant under this section, the chief executive officer of a State, unit of local government, or university, or the head of a tribal government that desires a grant under this section shall submit to the Attorney General—

(1) an application in such form and containing such information as the Attorney General may require;

(2) certification that the applicant is aware of, and utilizing, uniform protocols and standards issued by the Department of Justice on the collection and processing of DNA evidence at crime scenes;

(3) certification that the applicant is aware of, and utilizing, the national sexual assault forensic examination training protocols developed under section 1405(a) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 3796gg note); and

(4) if the applicant is a unit of local government, certification that the applicant participates in a State laboratory system.

(d) RESTRICTIONS ON USE OF FUNDS.—

(1) SUPPLEMENTAL FUNDS.—Funds made available under 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 section.

(2) ADMINISTRATIVE COSTS.—An eligible entity may not use more than 5 percent of the funds it receives under this section for administrative expenses.

(3) NONEXCLUSIVITY.—Nothing in this section shall be construed to limit or restrict the ability of an eligible entity to apply for and obtain Federal funding from any other agency or department or any other Federal grant program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $10,000,000 for each of fiscal years 2003 through 2007 to carry out this section.

SEC. 10. AUTHORIZING JOHN DOE DNA INDICTMENTS.

(a) LIMITATIONS.—Section 3282 of title 18, United States Code, is amended—

(1) by striking ''Except'' and inserting the following:

''(a) LIMITATION.—Except''; and

(2) by adding at the end the following:

''(b) DNA PROFILE INDICTMENT.—

''(1) IN GENERAL.—In any indictment found for an offense under chapter 109A, if the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

''(2) EXCEPTION.—Any indictment described in paragraph (1), which is found within 5 years after the offense under chapter 109A shall have been committed, shall not be subject to—

''(A) the limitations period described in subsection (a); and

''(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

''(3) DEFINITION.—For purposes of this subsection, the term 'DNA profile' means a set of DNA identification characteristics.''.

(b) RULES OF CRIMINAL PROCEDURE.—Rule 7 of the Federal Rules of Criminal Procedure is amended in subdivision (c)(1) by adding at the end the following: ''For purposes of an indictment referred to in section 3282 of title 18, United States Code, if the identity of the defendant is unknown, it shall be sufficient to describe the defendant, in the indictment, as an individual whose name is unknown, but who has a particular DNA profile, as defined in that section 3282.''.

SEC. 11. INCREASED GRANTS FOR COMBINED DNA INDEX (CODIS) SYSTEM.

Section 210306 of the DNA Identification Act of 1994 (42 U.S.C. 14134) is amended—

(1) by striking ''There'' and inserting the following:

''(a) IN GENERAL.—There''; and

(2) by adding at the end the following:

''(b) INCREASED GRANTS FOR CODIS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out upgrades to the Combined DNA Index System (CODIS) $9,700,000 for fiscal year 2003.''.

SEC. 12. INCREASED GRANTS FOR FEDERAL CONVICTED OFFENDER PROGRAM (FCOP).

Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Federal Bureau of Investigation to carry out this section $500,000 for fiscal year 2003.''.

SEC. 13. PRIVACY REQUIREMENTS FOR HANDLING DNA EVIDENCE AND DNA ANALYSES.

(a) PRIVACY PROTECTION STANDARD.—Section 10(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e(a)) is amended by inserting before the period at the end the following: ''or in section 3282(b) of title 18, United States Code''.

(b) LIMITATION ON ACCESS TO DNA INFORMATION.—Section 10 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e) is amended by adding at the end the following:

''(d) LIMITATION ON ACCESS TO DNA INFORMATION.—

''(1) IN GENERAL.—The Attorney General shall establish, by regulation, procedures to limit access to, or use of, stored DNA samples or DNA analyses.

''(2) REGULATIONS.—The regulations established under paragraph (1) shall establish conditions for using DNA information to—

''(A) limit the use and dissemination of such information, as provided under subparagraphs (A), (B), and (C) of section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

''(B) limit the redissemination of such information;

''(C) ensure the accuracy, security, and confidentiality of such information;

''(D) protect any privacy rights of individuals who are the subject of such information; and

''(E) provide for the timely removal and destruction of obsolete or inaccurate information, or information required to be expunged.''.

(c) CRIMINAL PENALTY.—Section 10(c) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135e) is amended—

(1) in paragraph (1), by striking ''discloses a sample or result'' and inserting ''discloses or uses a DNA sample or DNA analysis''; and

(2) in paragraph (2), by inserting ''per offense'' after ''$100,000''.

Mr. REID. I ask consent that the committee substitute amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2513), as amended, was read the third time and passed.

DESIGNATING ''YEAR OF THE BLUES''

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 567, S. Res. 316.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 316) designating the year beginning February 1, 2002, as the ''Year of the Blues.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that this resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 316) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 316

Whereas blues music is the most influential form of American roots music, with its impact heard around the world in rock and roll, jazz, rhythm and blues, country, and even classical music;

Whereas the blues is a national historic treasure, which needs to be preserved, studied, and documented for future generations;

Whereas the blues is an important documentation of African-American culture in the twentieth century;

Whereas the various forms of the blues document twentieth-century American history during the Great Depression and in the areas of race relations, pop culture, and the migration of the United States from a rural, agricultural society to an urban, industrialized Nation;

Whereas the blues is the most celebrated form of American roots music, with hundreds of festivals held and millions of new or reissued blues albums released each year in the United States;

Whereas the blues and blues musicians from the United States, whether old or new, male or female, are recognized and revered worldwide as unique and important ambassadors of the United States and its music;

Whereas it is important to educate the young people of the United States to understand that the music that they listen to today has its roots and traditions in the blues;

Whereas there are many living legends of the blues in the United States who need to be recognized and to have their story captured and preserved for future generations; and

Whereas the year 2003 is the centennial anniversary of when W.C. Handy, a classically-trained musician, heard the blues for the first time, in a train station in Mississippi, thus enabling him to compose the first blues music to distribute throughout the United States, which led to him being named ''Father of the Blues'': Now, therefore, be it

Resolved, That the Senate—

(1) designates the year beginning February 1, 2003, as the ''Year of the Blues''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the ''Year of the Blues'' with appropriate ceremonies, activities, and educational programs.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE UNITED STATES CONGRESSIONAL PHILHARMONIC SOCIETY

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H. Con. Res. 183, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 183) expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the resolution and its preamble be agreed to, the motion to reconsider be laid on the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 183) was agreed to.

The preamble was agreed to.

DESIGNATING THE WEEK BEGINNING SEPTEMBER 15, 2002, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. REID. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 305, and that the Senate now proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 305) designating the week beginning September 15, 2002, as ''National Historically Black Colleges And Universities Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid on the table, and any statement relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 305

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK.

The Senate—

(1) designates the week beginning September 15, 2002, as ''National Historically Black Colleges and Universities Week''; and

(2) requests that the President of the United States issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities in the United States.