

DNA IDENTIFICATION GRANTS IMPROVEMENT
ACT OF 1995

DECEMBER 11, 1995.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. McCOLLUM, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 2418]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill
(H.R. 2418) to improve the capability to analyze deoxyribonucleic
acid, having considered the same, report favorably thereon with an
amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
The Amendment	1
Purpose and Summary	2
Background and Need for Legislation	2
Hearings	3
Committee Consideration	3
Committee Oversight Findings	3
Committee on Government Reform and Oversight	3
New Budget Authority and Tax Expenditures	3
Congressional Budget Office Estimate	3
Inflationary Impact Statement	4
Section-by-Section Analysis and Discussion	4
Agency Views	5
Changes in Existing Law Made by the Bill, As Reported	5

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof
the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "DNA Identification Grants Improvement Act of
1995".

SEC. 2 DNA IDENTIFICATION GRANTS.

Paragraph (22) of section 1001(a) of the Omnibus Crime Control and Safe Streets Act is amended to read as follows:

- “(22) There are authorized to be appropriated to carry out part X—
- “(A) \$1,000,000 for fiscal year 1996;
 - “(B) \$15,000,000 for fiscal year 1997;
 - “(C) \$14,000,000 for fiscal year 1998;
 - “(D) \$6,000,000 for fiscal year 1999; and
 - “(E) \$4,000,000 for fiscal year 2000.”.

SEC. 3. RESTRICTION ON GRANT USE.

Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by adding at the end the following:

“(d) DNA PROFILES PROHIBITED.—In no event shall DNA identification records contained in this index be compiled or analyzed in order to formulate statistical profiles for use in predicting criminal behavior.”.

SEC. 4. TECHNICAL AMENDMENT.

Effective on the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1994, section 210302(c)(3) of such Act is amended by inserting “(a)” after “Section 1001” and after “3793”.

PURPOSE AND SUMMARY

In 1994, Congress passed the Violent Crime Control and Law Enforcement Act of 1994, which became Public Law 103-322. Subtitle C of Title XXI of that Act established as a new part X of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 the DNA Identification Grants, which authorizes the appropriation of funds to the Federal Bureau of Investigation and to States and units of local government for the purposes of improving their ability to analyze samples of deoxyribonucleic acid, commonly known as DNA, in a forensic laboratory.

H.R. 2418 amends the Omnibus Crime Control and Safe Streets Act of 1968 so that the funds to be made available to the States and local governments under the DNA grants program are available at a rate faster than was provided for in Public Law 103-322. The total amount of funding authorized is unchanged.

BACKGROUND AND NEED FOR THE LEGISLATION

In 1994, Congress passed the Violent Crime Control and Law Enforcement Act of 1994, which became Public Law 103-322 on September 13, 1994. Subtitle C of Title XXI of that law established the DNA Identification Grants. The Subtitle authorizes funds to be appropriated to the Federal Bureau of Investigation for the operation of its Combined DNA Index System (CODIS). The bill also authorized funds to be made available to the States and units of local government to enable them to develop and improve their ability to analyze DNA and to establish procedures to interface with the CODIS system.

The FBI and the American Society of Crime Laboratory Directors, in testimony before the Subcommittee on Crime, have recommended that Congress modify the authorization for funding to the States and local governments so that larger grants are awarded sooner than provided for in Public Law 103-322. These witnesses recommended that this modification be made because of the significant start-up costs to States in creating DNA testing programs and databases. The total amount authorized to be made available to the States and local governments is unchanged.

H.R. 2418 makes the following changes to the funding authorized in section 210302 of Public Law 103-322, which was enacted into law as paragraph (22) of section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968:

Fiscal year	Pub. L. 103-322 authorization	Requested authorization
1996	\$1,000,000	\$1,000,000
1997	3,000,000	15,000,000
1998	5,000,000	14,000,000
1999	13,500,000	6,000,000
2000	17,500,000	4,000,000
Total	40,000,000	40,000,000

HEARINGS

The Committee's Subcommittee on Crime held one day of hearings on H.R. 2418 on September 28, 1995. Testimony was received from three witnesses: Kevin Di Gregory, Deputy Assistant Attorney General, Department of Justice; Milton Aehlich, Assistant Director, Federal Bureau of Investigation; and Richard L. Tanton, Past President of the American Society of Crime Laboratory Directors. No additional material was submitted to the Subcommittee.

COMMITTEE CONSIDERATION

On October 19, 1995, the Subcommittee on Crime met in open session and ordered reported the bill H.R. 2418, by a voice vote, a quorum being present. On October 31, 1995, the Committee met in open session and ordered reported the bill H.R. 2418 without amendment by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in Clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(C)(3) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2418, the following estimate and comparison prepared

by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 7, 1995.

Hon. HENRY J. HYDE,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2418, the DNA Identification Grants Improvement Act of 1995.

Enacting H.R. 2418 would not affect direct spending on receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 2418 will have no significant inflationary impact on prices and costs in the national economy.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.—This section states the short title of the bill as the “DNA Identification Grants Improvement Act of 1995.”

Sec. 2 DNA Identification Grants.—This section modifies paragraph (22) of section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 in order to reorder the funding authorized as the DNA Identification Grants to be made available to the States and units of local government.

Sec. 3. Restriction on Grant Use.—This section provides that the DNA records contained in any index created with the DNA Identification Grants authorized in Public Law 103–322 cannot be used to formulate statistical profiles to be used to predict future criminal behavior by a specific person or groups of persons. At the hearing on H.R. 2415, FBI representatives testified that DNA records were not being used for this purpose nor were there plans to use DNA records in this manner in the future. This section makes it clear, however, that the DNA records compiled through the use of the DNA Identification Grants cannot be used for this purpose. The Committee does not intend that traditional law enforcement activities, such as determining crime suspects or proving criminal identity, should be affected by this restriction.

Sec. 4. Technical Amendment.—This section makes a technical amendment to section 210302(c)(3) of Public Law 103–322. Section 210302(c)(3) pertains to DNA Identification Grants that will be made available to the States and units of local government.

AGENCY VIEWS

The Committee received a letter from the U.S. Department of Justice providing Administration views on H.R. 1241, an earlier version of H.R. 2418. The letter addressed the issues presented in H.R. 2418, in pertinent part, as follows:

The 1994 Crime Bill included the DNA Identification Act of 1994, which contains a \$40 million, five-year grant program for the Violent Crime Reduction Trust Fund (VCRTF) for state and local crime laboratories to establish or improve forensic DNA testing capabilities. The Act provides for only \$1 million in FY 1996 and \$31 million in the last two years, *i.e.*, 1999 and 2000. This flow of funds, if it is left unchanged, will work against the purpose of the grant program, which is to provide funds to jump start the DNA testing programs, thereby taking pressure off the FBI laboratory to provide these services to states.

Early in 1995, you introduced H.R. 1241 to correct this flaw by shifting grant funding authorization forward in the five-year period covered by the Crime Bill. As introduced, the bill also restructured funding for the FBI to carry out responsibilities for operating a national DNA index system and administering the DNA Advisory Board.

The Department of Justice does not support any changes to FBI funding levels under the Act, but still supports changing funding authorization for state grants that would have the effect of making significantly more funds available earlier in the five-year period.

Because the House was unable to act on H.R. 1241 in time to affect the appropriations cycle for FY 1996, the grant levels in the bill for 1997-2000 should be adjusted to reflect the fact that only \$1 million (and not \$8 million as stated in the original draft) was appropriated from the VCRTF by the House for state DNA grants in FY 1996. Therefore, the Department recommends that the funding levels in H.R. 1241 be amended as follows:

1. Delete Section 3 pertaining to FBI funding for the DNA Advisory Board and the national DNA index system.
2. Revise the funding levels for state DNA grants as follows:

\$1,000,000 for fiscal year 1996
 \$15,000,000 for fiscal year 1997
 \$14,000,000 for fiscal year 1998
 \$6,000,000 for fiscal year 1999
 \$4,000,000 for fiscal year 2000.

We understand that a substitute for H.R. 1241 making these modifications will be offered. For the foregoing reasons, we support this substitute.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted

is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 1001 OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) * * *

* * * * *

[(22) There are authorized to be appropriated to carry out part X—

- [(1) \$1,000,000 for fiscal year 1996;
- [(2) \$3,000,000 for fiscal year 1997;
- [(3) \$5,000,000 for fiscal year 1998;
- [(4) \$13,500,000 for fiscal year 1999; and
- [(5) \$17,500,000 for fiscal year 2000.]

(22) *There are authorized to be appropriated to carry out part X—*

- (A) *\$1,000,000 for fiscal year 1996;*
- (B) *\$15,000,000 for fiscal year 1997;*
- (C) *\$14,000,000 for fiscal year 1998;*
- (D) *\$6,000,000 for fiscal year 1999; and*
- (E) *\$4,000,000 for fiscal year 2000.*

* * * * *

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

* * * * *

TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

* * * * *

Subtitle C—DNA Identification

SEC. 210302. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) * * *

* * * * *

(c) DNA IDENTIFICATION GRANTS.—

(1) * * *

* * * * *

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 100 (a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 379(a)), as amended by section 210201(c), is amended—

(A) * * *

* * * * *

**SEC. 210304. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE
OF DNA IDENTIFICATION INFORMATION.**

(a) * * *

* * * * *

(d) DNA PROFILES PROHIBITED.—In no event shall DNA identification records contained in this index be compiled or analyzed in order to formulate statistical profiles for use in predicting criminal behavior.

* * * * *