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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 34, United States Code, to authorize eligible privately owned and operated forensic DNA testing laboratories to directly upload qualifying DNA profiles to the National DNA Index System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NEHLS introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 34, United States Code, to authorize eligible privately owned and operated forensic DNA testing laboratories to directly upload qualifying DNA profiles to the National DNA Index System, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “CODIS Access Mod-
5 ernization Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Congress recognizes the essential role that
4 publicly operated forensic laboratories and their
5 dedicated scientific professionals play in supporting
6 law enforcement investigations, administering jus-
7 tice, and protecting public safety. However, increas-
8 ing case volumes, persistent DNA testing backlogs,
9 and the challenges associated with implementing
10 emerging forensic technologies within government
11 systems can delay the timely processing of critical
12 evidence. These delays may hinder the identification
13 and apprehension of violent offenders, allowing serial
14 perpetrators of crimes such as rape and homicide to
15 remain unidentified and potentially continue victim-
16 izing additional individuals. Congress further finds
17 that strategic public-private partnerships with ac-
18 credited forensic laboratories can expand testing ca-
19 pacity, accelerate the processing of DNA evidence,
20 and provide access to advanced technologies and spe-
21 cialized expertise. Such partnerships can also reduce
22 delays in DNA profile entry into the National DNA
23 Index System, accelerate investigative leads, increase
24 case resolution rates, reduce burdens on publicly op-
25 erated laboratories, enhance justice for victims and
26 their families, and help prevent future crimes.

1 (2) Accredited private forensic DNA labora-
2 tories, meeting the same FBI Quality Assurance
3 Standards and ISO/IEC 17025 requirements as
4 public laboratories, are currently barred from direct
5 uploads to the Combined DNA Index System
6 (CODIS), resulting in mandatory and costly redun-
7 dant reviews that delay investigations by days to
8 years.

9 (3) Restricting CODIS access to public labora-
10 tories is detrimental to national security and public
11 safety, as violent offenders often cross jurisdictions,
12 while private labs already process thousands of cases
13 annually for Federal, State, local, military, and
14 homeland security agencies.

15 (4) Precedent exists for non-law enforcement
16 entities to officially perform traditional criminal jus-
17 tice agency functions, including the Department of
18 Justice's partnership with the National Center for
19 Missing and Exploited Children (NCMEC) which af-
20 fords it vital access to the National Crime Informa-
21 tion Center (NCIC) to help solve missing and un-
22 identified children's cases across the United States.

23 (5) The United States Government routinely re-
24 lies on accredited private entities and government
25 contractors to perform highly sensitive national secu-

1 rity, intelligence, and law enforcement support func-
2 tions, including cybersecurity operations, forensic
3 analysis, intelligence processing, and classified sys-
4 tems management under strict federal oversight and
5 security requirements. The use of qualified private
6 forensic laboratories to support DNA identification
7 efforts represents a continuation of established fed-
8 eral practices of leveraging private sector expertise
9 to advance public safety.

10 (6) Accredited private forensic DNA labora-
11 tories already perform forensic testing for Federal,
12 State, local, military, and homeland security agen-
13 cies while complying with the same FBI Quality As-
14 surance Standards and ISO/IEC 17025 accredita-
15 tion requirements as public laboratories.

16 (7) Allowing qualified private forensic DNA lab-
17 oratories to upload qualifying DNA profiles to the
18 National DNA Index System under strict regulatory
19 safeguards is consistent with longstanding federal
20 practices of utilizing accredited private entities to
21 enhance national security, public safety, and inves-
22 tigative capabilities.

23 (8) The societal and economic costs of unsolved
24 violent crimes are immense, with estimates of
25 \$122,000 per rape and \$1.4 million per murder in

1 medical, productivity, legal, and suffering-related ex-
2 penses. Timely offender identification and apprehen-
3 sion also prevent future crimes as rapists commit on
4 average more than 7 sexual assaults per year.

5 (9) Granting direct CODIS upload authority to
6 eligible private laboratories would accelerate case
7 resolutions, increase DNA matches and arrests, re-
8 duce public lab burdens, prevent additional offenses,
9 and advance bipartisan priorities of public safety,
10 victim rights, and efficient private sector utilization.

11 **SEC. 3. DIRECT ACCESS FOR ELIGIBLE PRIVATE FORENSIC**
12 **DNA LABORATORIES TO THE NATIONAL DNA**
13 **INDEX SYSTEM.**

14 (a) IN GENERAL.—The Attorney General shall allow
15 eligible privately owned and operated forensic evidence
16 DNA testing laboratories to directly upload qualifying
17 DNA profiles to the National DNA Index System (NDIS).

18 (b) REGULATIONS.—The Department of Justice and
19 the Federal Bureau of Investigation shall issue regulations
20 to implement and carry out this section, including criteria
21 for eligibility, procedures for direct upload, security and
22 privacy safeguards, and any other requirements necessary
23 to ensure compliance with Federal law, not later than six
24 months after the date of enactment.

1 (c) LIMITATION OF AUTHORITY.—Nothing in this
2 Act shall be construed to grant privately owned and oper-
3 ated forensic DNA laboratories access to search, query,
4 or retrieve information from the National DNA Index Sys-
5 tem beyond the authorized submission of qualifying DNA
6 profiles in accordance with Federal Bureau of Investiga-
7 tion regulations and applicable law.

8 (d) DEFINITIONS.—In this section:

9 (1) The term “privately owned and operated fo-
10 rensic evidence DNA testing laboratory” means a
11 private DNA forensic evidence testing laboratory
12 that—

13 (A) has been accredited for a minimum of
14 five consecutive years to the ISO/IEC 17025
15 standards by a nationally recognized nonprofit
16 professional association of persons actively in-
17 volved in forensic science;

18 (B) undergoes external audits every two
19 years that demonstrate compliance with the
20 Quality Assurance Standards established by the
21 Director of the Federal Bureau of Investiga-
22 tion;

23 (C) demonstrates compliance with the lim-
24 ited access requirements for DNA samples and
25 records in accordance with Federal law;

1 (D) demonstrates compliance with the pro-
2 visions of the NDIS Memorandum of Under-
3 standing and the NDIS Operational Procedures
4 Manual; and

5 (E) is not owned or managed by a govern-
6 mental organization.

7 (2) The term “qualifying DNA profiles” means
8 DNA profiles that meet the standards and eligibility
9 requirements for entry into the National DNA Index
10 System, as determined by the Federal Bureau of In-
11 vestigation.

12 (3) The term “National DNA Index System” or
13 “NDIS” means the index established under section
14 12592 of title 34, United States Code.

15 **SEC. 4. CONFORMING AMENDMENTS.**

16 The Attorney General, in consultation with the Direc-
17 tor of the Federal Bureau of Investigation, shall make
18 such conforming amendments to regulations, policies, and
19 procedures (including updates to the NDIS Memorandum
20 of Understanding and the NDIS Operational Procedures
21 Manual) as may be necessary to carry out this Act.

22 **SEC. 5. EFFECTIVE DATE.**

23 This Act shall take effect on the date of its enact-
24 ment, except that the requirement to issue regulations

1 under section 3(b) shall apply as specified in that sub-
2 section.