

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.**

**S. 1890**

To establish a grant program for certain State and local forensic activities, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. CORNYN

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Carla Walker Act”.

5 **SEC. 2. GRANTS TO IMPROVE FORENSIC ACTIVITIES.**

6 Title I of the Omnibus Crime Control and Safe  
7 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended  
8 by adding at the end the following:

9 **“PART PP—GRANTS TO IMPROVE FORENSIC**  
10 **ACTIVITIES**

11 **“SEC. 3061. DEFINITIONS.**

12 “In this part:

1           “(1) ACCREDITED FORENSIC LABORATORY.—

2           The term ‘accredited forensic laboratory’ means a  
3           forensic laboratory that—

4                   “(A) is accredited by an accrediting body  
5                   that is a signatory to an internationally recog-  
6                   nized arrangement and that offers accreditation  
7                   to forensic science conformity assessment bodies  
8                   using an accreditation standard that is recog-  
9                   nized by that internationally recognized ar-  
10                  rangement; or

11                   “(B) attests, in a legally binding and en-  
12                   forceable manner, to prepare and apply for an  
13                   accreditation described in subparagraph (A) not  
14                   later than 2 years after date on which the fo-  
15                   rensic laboratory—

16                           “(i) first receives a grant under this  
17                           part; or

18                           “(ii) first receives a request for anal-  
19                           ysis from an eligible entity receiving a  
20                           grant under this part.

21           “(2) FORENSIC ANALYSIS.—The term ‘forensic  
22           analysis’ means an expert examination, interpreta-  
23           tion, or test—

24                   “(A) requested by a law enforcement agen-  
25                   cy, a coroner or medical examiner’s office, a

1 prosecutor, a criminal suspect or defendant, or  
2 a court; and

3 “(B) performed on physical or biological  
4 evidence for—

5 “(i) investigative purposes, including  
6 to determine the identity of unidentified  
7 human remains; or

8 “(ii) prosecutorial, defense, or court-  
9 ordered judicial purposes.

10 “(3) FORENSIC GENETIC GENEALOGY PRO-  
11 FILE.—The term ‘forensic genetic genealogy profile’  
12 means a single nucleotide polymorphisms-based ge-  
13 netic profile generated from a forensic or reference  
14 sample by an accredited forensic laboratory for the  
15 purpose of conducting FGG DNA analysis and  
16 searching.

17 “(4) FGG DNA ANALYSIS AND SEARCHING.—  
18 The term ‘FGG DNA analysis and searching’  
19 means—

20 “(A) forensic genetic genealogical DNA  
21 analysis of a forensic or reference sample of bi-  
22 ological material by an accredited forensic lab-  
23 oratory to develop a forensic genetic genealogy  
24 profile; and

1                   “(B) the subsequent search of that genetic  
2                   genealogy profile in a genetic genealogy service.

3                   “(5) FORENSIC LABORATORY.—The term ‘fo-  
4                   rensic laboratory’ means a facility, entity, or site  
5                   that—

6                   “(A) offers or performs forensic analysis;  
7                   and

8                   “(B) follows appropriate evidentiary, docu-  
9                   mentation, and quality assurance requirements  
10                  for use in judicial proceedings.

11                  “(6) GENETIC GENEALOGY SERVICE.—The  
12                  term ‘genetic genealogy service’ means a repository  
13                  of genetic data containing genetic profiles submitted  
14                  by individuals that permits search by a law enforce-  
15                  ment agency for forensic genetic genealogy purposes.

16                  “(7) INTERIM POLICY.—The term ‘Interim Pol-  
17                  icy’ means the ‘Interim Policy on Forensic Genetic  
18                  Genealogical DNA Analysis and Searching’ of the  
19                  Department of Justice dated November 1, 2019, or  
20                  any successor policy,

21                  “(8) LAW ENFORCEMENT AGENCY.—The term  
22                  ‘law enforcement agency’ means an agency of the  
23                  United States, a State, a political subdivision of a  
24                  State, or an Indian Tribe authorized by law or by  
25                  a government agency to engage in or supervise the

1 prevention, detection, investigation, or prosecution of  
2 any violation of criminal law.

3 **“SEC. 3062. DNA ANALYSIS GRANTS.**

4 “(a) ELIGIBLE ENTITY DEFINED.—In this section,  
5 the term ‘eligible entity’ means—

6 “(1) a State;

7 “(2) a Tribal, county, or local law enforcement  
8 agency;

9 “(3) a publicly funded accredited forensic lab-  
10 oratory;

11 “(4) a State, Tribal, county, or local prosecu-  
12 tor’s office with a forensic laboratory capability;

13 “(5) a medical examiner’s office; and

14 “(6) a coroner’s office.

15 “(b) AUTHORIZATION OF GRANTS.—The Attorney  
16 General may award a competitive grant to an eligible enti-  
17 ty for the purpose of using any technology used in a foren-  
18 sic laboratory—

19 “(1) to conduct whole genome sequencing tech-  
20 nology to assess not less than 100,000 genetic mark-  
21 ers; and

22 “(2) that is compatible with genealogical data-  
23 bases.

24 “(c) APPLICATIONS.—An eligible entity seeking a  
25 grant under this section shall submit to the Attorney Gen-

1 eral an application at such time and in such form as the  
2 Attorney General may require.

3 “(d) USE OF GRANT.—An eligible entity that receives  
4 a grant under this section shall use funds from the grant  
5 for any of the following purposes:

6 “(1) To carry out DNA analyses of physical  
7 evidence collected under applicable legal authority  
8 using the technology described in subsection (b) if  
9 the submission of such physical evidence to the Com-  
10 bined DNA Index System has failed to produce an  
11 investigative lead.

12 “(2) To carry out DNA analyses of unidentified  
13 human remains using the technology described in  
14 subsection (b) if submission of such samples to the  
15 Combined DNA Index System has failed to produce  
16 an investigative lead.

17 “(3) To outsource an activity described in para-  
18 graph (1) or (2) for the use of technology described  
19 in subsection (b) and searching to—

20 “(A) an accredited publicly funded forensic  
21 laboratory;

22 “(B) a medical examiner or coroner’s of-  
23 fice;

1                   “(C) a State, Tribal, county, or local pros-  
2                   ecutor’s office with a forensic laboratory capa-  
3                   bility; or

4                   “(D) a nongovernmental accredited foren-  
5                   sic laboratory.

6                   “(e) REQUIREMENTS AND LIMITATIONS WITH RE-  
7                   SPECT TO GENETIC GENEALOGY.—An eligible entity that  
8                   receives a grant under this section—

9                   “(1) with respect to a forensic profile derived  
10                  from a candidate forensic sample for which a suffi-  
11                  cient quantity of DNA exists and which meets the  
12                  eligibility requirements of the Combined DNA Index  
13                  System, before attempting to use FGG DNA anal-  
14                  ysis and searching with respect to the forensic pro-  
15                  file—

16                  “(A) shall upload the forensic profile to the  
17                  Combined DNA Index System; and

18                  “(B) may only proceed with FGG DNA  
19                  analysis and searching if a search of the  
20                  uploaded forensic profile in the Combined DNA  
21                  Index System fails to produce a probative and  
22                  confirmed DNA match;

23                  “(2) with respect to an eligible entity that is a  
24                  law enforcement agency, may not arrest a suspect

1 based solely on a genetic association generated by a  
2 genetic genealogy service;

3 “(3) with respect to an eligible entity that is a  
4 law enforcement agency or an entity conducting ge-  
5 netic genealogical research on behalf of a law en-  
6 forcement agency or to inform a criminal investiga-  
7 tion, shall—

8 “(A) identify as a law enforcement agency  
9 to any genetic genealogy service; and

10 “(B) enter and search forensic genetic gene-  
11 ealogy profiles only in a genetic genealogy serv-  
12 ice that provides explicit notice to users of the  
13 genetic genealogy service and the public that  
14 law enforcement may use the genetic genealogy  
15 service to investigate crimes or identify uniden-  
16 tified human remains;

17 “(4) shall seek informed consent from third  
18 parties before collecting reference samples directly  
19 from an individual that will be used for FGG DNA  
20 analysis and searching, unless case-specific cir-  
21 cumstances provide reasonable grounds to believe  
22 that this requirement would compromise the integ-  
23 rity of an investigation;

24 “(5) shall treat all forensic genetic genealogy  
25 profiles and genetic genealogy service account infor-

1       mation and data as confidential government infor-  
2       mation consistent with any applicable laws, regula-  
3       tions, policies, and procedures;

4               “(6) shall use biological samples and forensic  
5       genetic genealogy profiles only for law enforcement  
6       identification purposes;

7               “(7) shall take all reasonable and necessary  
8       steps and precautions to ensure that others who  
9       have authorized access to biological samples and fo-  
10      rensic genetic genealogy profiles follow the same lim-  
11      itation of use of those samples required under para-  
12      graph (6);

13              “(8) whenever possible, shall use only genetic  
14      genealogy services that configure service site user  
15      settings that control access to forensic genetic gene-  
16      alogy profile data and associated account informa-  
17      tion in a manner that will prevent that data and in-  
18      formation from being viewed by other service users;

19              “(9) shall conduct covert collection of a DNA  
20      sample for the purpose of performing FGG DNA  
21      analysis and searching in accordance with applicable  
22      State and Federal law; and

23              “(10) may not use a biological sample or a fo-  
24      rensic genetic genealogy profile to determine the ge-  
25      netic predisposition for disease or any other medical

1 condition or psychological trait of the donor of the  
2 sample or profile.

3 “(f) REGULATIONS.—Not later than 1 year after the  
4 date of enactment of this section, the Attorney General  
5 shall promulgate regulations to promote the reasoned ex-  
6 ercise of investigative, scientific, and prosecutorial discre-  
7 tion in cases that involve forensic genetic genealogical  
8 DNA analysis and searching. Such regulations shall incor-  
9 porate the requirements and limitations set forth under  
10 subsection (e).

11 “(g) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There are authorized to be  
13 appropriated to the Attorney General to carry out  
14 this section \$5,000,000 for each of fiscal years 2027  
15 through 2031.

16 “(2) LIMITATIONS ON USE.—

17 “(A) IN GENERAL.—Amounts appropriated  
18 to carry out this section—

19 “(i) subject to subparagraph (B),  
20 shall only be made available to carry out  
21 forensic genetic genealogical analysis; and

22 “(ii) shall not be made available for  
23 staffing, training, travel, or equipment.

24 “(B) ADMINISTRATIVE COSTS.—The Attor-  
25 ney General may use not more than 10 percent

1 of amounts appropriated to carry out this sec-  
2 tion for administrative costs.

3 **“SEC. 3063. GRANTS FOR FORENSIC EQUIPMENT AND DATA-**  
4 **BASE SEARCHING.**

5 “(a) ELIGIBLE ENTITY DEFINED.—In this section,  
6 the term ‘eligible entity’ means—

7 “(1) a publicly funded accredited forensic lab-  
8 oratory;

9 “(2) a State, county, local, or Tribal prosecu-  
10 tor’s office with a forensic laboratory capability;

11 “(3) a medical examiner’s office; and

12 “(4) a coroner’s office.

13 “(b) AUTHORIZATION OF GRANTS.—The Attorney  
14 General may award a grant to an eligible entity for the  
15 purpose of—

16 “(1) purchasing equipment for FGG DNA anal-  
17 ysis and searching; or

18 “(2) funding searches to generate investigative  
19 leads for criminal investigations or unidentified  
20 human remains.

21 “(c) APPLICATIONS.—An eligible entity seeking a  
22 grant under this section shall submit to the Attorney Gen-  
23 eral an application at such time and in such form as the  
24 Attorney General may require.

1       “(d) USE OF FUNDS.—An eligible entity that receives  
2 a grant under this section shall use funds from the  
3 grant—

4           “(1) to purchase forensic equipment, including  
5 supplies, reagents, consumables, and validation ex-  
6 penses, for genetic genealogy techniques to generate  
7 investigative leads for criminal investigations or un-  
8 identified human remains; and

9           “(2) for genealogical database searching.

10       “(e) DEPARTMENT OF JUSTICE POLICY.—Other than  
11 an activity involving unidentified human remains, an activ-  
12 ity carried out using funding from a grant under this sec-  
13 tion shall be carried out in compliance with—

14           “(1) the Interim Policy; and

15           “(2) the regulations promulgated under section  
16 3062(f).

17       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Attorney General  
19 to carry out this section \$5,000,000 for each of fiscal  
20 years 2027 through 2031.

21 **“SEC. 3064. ADMINISTRATIVE PROVISIONS.**

22       “(a) REGULATIONS.—The Attorney General may pro-  
23 mulgate guidelines, regulations, and procedures to carry  
24 out this part, including guidelines, regulations, and proce-

1 dures relating to the submission and review of applications  
2 for grants under sections 3062 and 3063.

3 “(b) ACCOUNTABILITY.—

4 “(1) RECORDS.—An eligible entity that receives  
5 a grant under this part shall maintain such records  
6 as the Attorney General may require to facilitate an  
7 effective audit relating to the receipt of the grant,  
8 the use of amounts from the grant, outsourcing ac-  
9 tivities, and compliance with—

10 “(A) section VIII, entitled ‘Sample and  
11 Data Control and Disposition’, of the Interim  
12 Policy; and

13 “(B) the regulations promulgated under  
14 section 3062(f).

15 “(2) ACCESS.—For the purpose of conducting  
16 audits and examinations, the Attorney General shall  
17 have access to any book, document, or record of an  
18 eligible entity that receives a grant under this sec-  
19 tion, a State or unit of local government within  
20 which the eligible entity operates, and any entity to  
21 which the eligible entity outsources work using  
22 amounts from the grant if the Attorney General de-  
23 termines that the book, document, or record relates  
24 to—

25 “(A) the receipt of the grant;

1 “(B) the use of funds from the grant; or

2 “(C) compliance with—

3 “(i) section VIII, entitled ‘Sample and  
4 Data Control and Disposition’, of the In-  
5 terim Policy; and

6 “(ii) the regulations promulgated  
7 under section 3062(f).

8 “(3) SUSPENSION AND DEBARMENT.—In car-  
9 rying out this part, the Attorney General shall com-  
10 ply with part 180 of title 2, Code of Federal Regula-  
11 tions, or any successor regulation.

12 **“SEC. 3065. REPORTS.**

13 “Not later than 1 year after the date on which an eli-  
14 gible entity receives the final disbursement of funds from  
15 a grant under section 3062 or 3063, the eligible entity  
16 shall submit to the Attorney General a report that in-  
17 cludes—

18 “(1) the amount of funding the eligible entity  
19 received from the grant for each fiscal year for  
20 which the grant was awarded;

21 “(2) the number of cases for which the eligible  
22 entity submitted for testing using FGG DNA anal-  
23 ysis and searching during the previous year;

1           “(3) the number of cases for which the eligible  
2           entity performed testing using FGG DNA analysis  
3           and searching during the previous year;

4           “(4) the type of testing relating to FGG DNA  
5           analysis and searching performed by the eligible en-  
6           tity during each year for which the grant was award-  
7           ed, including—

8                   “(A) the name of any laboratory to which  
9                   the eligible entity outsourced the testing;

10                   “(B) the type of sequencing equipment and  
11                   method used for the testing; and

12                   “(C) the results of the testing, such as  
13                   whether the testing resulted in successful victim  
14                   or perpetrator identification, no identification,  
15                   ongoing analysis, or incomplete analysis, and  
16                   the time it took to obtain a result;

17           “(5) during each year for which the grant was  
18           awarded, the number of cases in which FGG DNA  
19           analysis and searching—

20                   “(A) resulted in a searchable profile in a  
21                   publicly available genetic genealogy service;

22                   “(B) generated a lead resulting in a victim  
23                   or perpetrator identification;

24                   “(C) generated a lead but did not generate  
25                   a victim or perpetrator identification; and

1           “(D) did generate a lead and resulted in a  
2           victim or perpetrator identification by the end  
3           of the grant period directly resulting in an ar-  
4           rest; and

5           “(6) during each year for which the grant was  
6           awarded, the average number of days it took to  
7           make any identification between the date of sample  
8           submission for FGG DNA analysis and searching  
9           and the date of delivery of test results to the re-  
10          questing office or agency.

11 **“SEC. 3066. NO PREEMPTION.**

12          “Nothing in this part shall be construed to preempt  
13 any law (including a regulation) of a State, or a political  
14 subdivision of a State, containing requirements that pro-  
15 vide equivalent or greater protection than the require-  
16 ments of this Act or the amendments made by this Act.”.

17 **SEC. 3. DEPARTMENT OF JUSTICE REPORT.**

18          Not later than 3 years after the date of enactment  
19 of this Act, the Attorney General, in consultation with the  
20 Forensic Laboratory Needs Working Group of the Na-  
21 tional Institute of Justice, shall submit to Congress a re-  
22 port—

23           (1) on the awards and practices reported to the  
24          Attorney General under section 3065 of title I of the

1 Omnibus Crime Control and Safe Streets Act of  
2 1968, as added by this Act;

3 (2) on forensic genetic genealogy analysis tech-  
4 nologies and how best to implement forensic genetic  
5 genealogy analysis for eligible entities (as defined in  
6 section 3063(a) of title I of the Omnibus Crime Con-  
7 trol and Safe Streets Act of 1968, as added by this  
8 Act); and

9 (3) that includes any recommendations relating  
10 to—

11 (A) expected funding needs; and

12 (B) whether regulations are needed for the  
13 use of forensic genetic genealogy analysis tech-  
14 nology.