

112TH CONGRESS
1ST SESSION

S. 132

To establish an Office of Forensic Science and a Forensic Science Board, to strengthen and promote confidence in the criminal justice system by ensuring consistency and scientific validity in forensic testing, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish an Office of Forensic Science and a Forensic Science Board, to strengthen and promote confidence in the criminal justice system by ensuring consistency and scientific validity in forensic testing, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Criminal Justice and Forensic Science Reform Act of
6 2011”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Purpose.

TITLE I—STRUCTURE AND OVERSIGHT

- Sec. 101. Office of Forensic Science.
- Sec. 102. Forensic Science Board.
- Sec. 103. Committees.
- Sec. 104. Authorization of appropriations.

TITLE II—ACCREDITATION OF FORENSIC SCIENCE
 LABORATORIES

- Sec. 201. Accreditation of forensic science laboratories.
- Sec. 202. Standards for laboratory accreditation.
- Sec. 203. Administration and enforcement of accreditation program.

TITLE III—CERTIFICATION OF FORENSIC SCIENCE PERSONNEL

- Sec. 301. Definitions.
- Sec. 302. Certification of forensic science personnel.
- Sec. 303. Standards for certification.
- Sec. 304. Administration and review of certification program.
- Sec. 305. Grants and technical assistance.

TITLE IV—RESEARCH

- Sec. 401. Research strategy and priorities.
- Sec. 402. Research grants.
- Sec. 403. Oversight and review.
- Sec. 404. Public-private collaboration.

TITLE V—STANDARDS AND BEST PRACTICES

- Sec. 501. Development of standards and best practices.
- Sec. 502. Establishment and dissemination of standards and best practices.
- Sec. 503. Review and oversight.

TITLE VI—ADDITIONAL RESPONSIBILITIES OF THE OFFICE OF
 FORENSIC SCIENCE AND THE FORENSIC SCIENCE BOARD

- Sec. 601. Forensic science training and education for judges, attorneys, and law enforcement personnel.
- Sec. 602. Educational programs in the forensic sciences.
- Sec. 603. Medical-legal death examination.
- Sec. 604. Inter-governmental coordination.
- Sec. 605. Anonymous reporting.
- Sec. 606. Interoperability of databases and technologies.
- Sec. 607. Code of ethics.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “Board” means the Forensic
4 Science Board established under section 102(a);

5 (2) the term “Committee” means a committee
6 established under section 103(a)(2);

7 (3) the term “Deputy Director” means the
8 Deputy Director of the Office;

9 (4) the term “Director” means the Director of
10 the Office;

11 (5) the term “forensic science discipline” shall
12 have the meaning given that term by the Director in
13 accordance with section 102(h);

14 (6) the term “forensic science laboratory” shall
15 have the meaning given that term by the Director in
16 accordance with section 201(c);

17 (7) the term “Office” means the Office of Fo-
18 rensic Science established under section 101(a); and

19 (8) the term “relevant personnel” shall have the
20 meaning given that term by the Director in accord-
21 ance with section 301(b).

22 **SEC. 3. PURPOSE.**

23 The purpose of this Act is to strengthen and promote
24 confidence in the criminal justice system by promoting
25 standards and best practices and ensuring consistency,
26 scientific validity, and accuracy with respect to forensic

1 testing, analysis, identification, and comparisons, the re-
2 sults of which may be interpreted, presented, or otherwise
3 used during the course of a criminal investigation or crimi-
4 nal court proceeding.

5 **TITLE I—STRUCTURE AND** 6 **OVERSIGHT**

7 **SEC. 101. OFFICE OF FORENSIC SCIENCE.**

8 (a) IN GENERAL.—There is established an Office of
9 Forensic Science within the Office of the Deputy Attorney
10 General in the Department of Justice.

11 (b) OFFICERS AND STAFF.—

12 (1) IN GENERAL.—The Office shall include—

13 (A) a Director, who shall be appointed by
14 the Attorney General;

15 (B) a Deputy Director, who shall be—

16 (i) an employee of the National Insti-
17 tute of Standards and Technology;

18 (ii) selected by the Director of the Na-
19 tional Institute of Standards and Tech-
20 nology; and

21 (iii) detailed to the Office on a reim-
22 bursable basis;

23 (C) such additional staff detailed on a re-
24 imburseable basis from the National Institute of
25 Standards and Technology as the Deputy Di-

1 rector, in consultation with the Director and
2 subject to the approval of the Director of the
3 National Institute of Standards and Tech-
4 nology, determines appropriate; and

5 (D) such other officers and staff as the
6 Deputy Attorney General, the Director, and the
7 Deputy Director determine appropriate.

8 (2) DEADLINE.—Not later than 180 days after
9 the date of enactment of this Act, the initial ap-
10 pointments, selections, and detailing under para-
11 graph (1) shall be made.

12 (c) VACANCY.—In the event of a vacancy in the posi-
13 tion of Director—

14 (1) the Attorney General shall designate an act-
15 ing Director; and

16 (2) during any period of vacancy before des-
17 ignation of an acting Director, the Deputy Attorney
18 General shall serve as acting Director.

19 (d) LIAISON.—The Director of the National Science
20 Foundation, in consultation with the Director and the
21 Deputy Director, shall designate a liaison at the National
22 Science Foundation to facilitate communication between
23 the Office and the National Science Foundation.

24 (e) DUTIES AND AUTHORITY.—

25 (1) IN GENERAL.—The Office shall—

1 (A) assist the Board in carrying out all the
2 functions of the Board under this Act and such
3 other related functions as are necessary to per-
4 form the functions; and

5 (B) evaluate and act upon the rec-
6 ommendations of the Board in accordance with
7 paragraph (4).

8 (2) SPECIFIC RESPONSIBILITIES.—The Direc-
9 tor, in consultation with the Deputy Director,
10 shall—

11 (A) establish, implement, and enforce ac-
12 creditation and certification standards under ti-
13 tles II and III;

14 (B) establish a comprehensive strategy for
15 scientific research in the forensic sciences under
16 title IV;

17 (C) establish and implement standards and
18 best practices for forensic science disciplines
19 under title V;

20 (D) define the term “forensic science dis-
21 cipline” for the purposes of this Act in accord-
22 ance with section 102(h);

23 (E) establish and maintain a list of foren-
24 sic science disciplines in accordance with section
25 102(h);

1 (F) establish Committees in accordance
2 with section 103;

3 (G) define the term “forensic science lab-
4 oratory” for the purposes of this Act in accord-
5 ance with section 201(c); and

6 (H) perform all other functions of the Of-
7 fice under this Act and such other related func-
8 tions as are necessary to perform the functions
9 of the Office described in this Act.

10 (3) ADDITIONAL RESPONSIBILITIES OF DEPUTY
11 DIRECTOR.—The Deputy Director, in consultation
12 with the Director of the National Institute of Stand-
13 ards and Technology, shall oversee—

14 (A) the implementation of any standard,
15 protocol, definition, or other material estab-
16 lished or amended based on a recommendation
17 by a Committee; and

18 (B) the work of the Committees.

19 (4) CONSIDERATION OF RECOMMENDATIONS.—

20 (A) IN GENERAL.—Upon receiving a rec-
21 ommendation from the Board, the Director
22 shall—

23 (i) give substantial deference to the
24 recommendation; and

1 (ii) not later than 90 days after the
2 date on which the Director receives the
3 recommendation, determine whether to
4 adopt, modify, or reject the recommenda-
5 tion.

6 (B) MODIFICATION.—

7 (i) IN GENERAL.—If the Director de-
8 termines to substantially modify a rec-
9 ommendation under subparagraph (A), the
10 Director shall immediately notify the
11 Board of the proposed modification.

12 (ii) BOARD RECOMMENDATION.—Not
13 later than 30 days after the date on which
14 the Director provides notice to the Board
15 under clause (i), the Board shall submit to
16 the Director a recommendation on whether
17 the proposed modification should be adopt-
18 ed.

19 (iii) ACCEPTANCE OF MODIFICA-
20 TION.—If the Board recommends that a
21 proposed modification should be adopted
22 under clause (ii), the Director may imple-
23 ment the modified recommendation.

24 (iv) REJECTION OF MODIFICATION.—
25 If the Board recommends that a proposed

1 modification should not be adopted under
2 clause (ii), the Director shall, not later
3 than 10 days after the date on which the
4 Board makes the recommendation—

5 (I) provide notice and an expla-
6 nation of the modification proposed to
7 the Committee on the Judiciary and
8 the Committee on Commerce, Science,
9 and Transportation of the Senate and
10 the Committee on the Judiciary and
11 the Committee on Science and Tech-
12 nology of the House of Representa-
13 tives; and

14 (II) begin a rulemaking on the
15 record after opportunity for an agency
16 hearing.

17 (C) REJECTION.—Not later than 30 days
18 after the date on which the Director determines
19 to reject a recommendation under subparagraph
20 (A), the Director shall—

21 (i) provide notice and an explanation
22 of the decision to the Committee on the
23 Judiciary and the Committee on Com-
24 merce, Science, and Transportation of the
25 Senate and the Committee on the Judici-

1 ary and the Committee on Science and
2 Technology of the House of Representa-
3 tives; and

4 (ii) begin a rulemaking on the record
5 after opportunity for an agency hearing.

6 (f) WEBSITE.—The Director shall—

7 (1) establish a website that is publicly acces-
8 sible; and

9 (2) publish recommendations of the Board and
10 all standards, protocols, definitions, and other mate-
11 rials established, or amended, by the Director under
12 this Act on the website.

13 **SEC. 102. FORENSIC SCIENCE BOARD.**

14 (a) IN GENERAL.—There is established a Forensic
15 Science Board to serve as an advisory board regarding fo-
16 rensic science in order to strengthen and promote con-
17 fidence in the criminal justice system by promoting stand-
18 ards and best practices and ensuring consistency, sci-
19 entific validity, and accuracy with respect to forensic test-
20 ing, analysis, identification, and comparisons, the results
21 of which may be interpreted, presented, or otherwise used
22 during the course of a criminal investigation or criminal
23 court proceeding.

24 (b) APPOINTMENT.—

1 (1) IN GENERAL.—The Board shall be com-
2 posed of 19 members, who shall—

3 (A) be appointed by the President not later
4 than 180 days after the date of enactment of
5 this Act; and

6 (B) come from professional communities
7 that have expertise relevant to and significant
8 interest in the field of forensic science.

9 (2) CONSIDERATION AND CONSULTATION.—In
10 making an appointment under paragraph (1), the
11 President shall—

12 (A) consider the need for the Board to ex-
13 ercise independent scientific judgment;

14 (B) consider, among other factors, rec-
15 ommendations from leading scientific organiza-
16 tions and leading professional organizations in
17 the field of forensic science and other relevant
18 fields; and

19 (C) consult with the Chairman and Rank-
20 ing Member of the—

21 (i) Committee on the Judiciary and
22 the Committee on Commerce, Science, and
23 Transportation of the Senate; and

1 (ii) the Committee on the Judiciary
2 and the Committee on Science and Tech-
3 nology of the House of Representatives.

4 (3) REQUIREMENTS.—The Board shall in-
5 clude—

6 (A) not fewer than 10 members who have
7 comprehensive scientific backgrounds, of
8 which—

9 (i) not fewer than 5 members have ex-
10 tensive experience or background in sci-
11 entific research; and

12 (ii) not fewer than 5 members have
13 extensive experience or background in fo-
14 rensic science; and

15 (B) not fewer than 1 member from each
16 category described in paragraph (4).

17 (4) CATEGORIES.—The categories described in
18 this paragraph are—

19 (A) judges;

20 (B) Federal Government officials;

21 (C) State and local government officials;

22 (D) prosecutors;

23 (E) law enforcement officers;

24 (F) criminal defense attorneys;

1 (G) organizations that represent people
2 who may have been wrongly convicted;

3 (H) practitioners in forensic laboratories;

4 (I) physicians with relevant expertise; and

5 (J) State laboratory directors.

6 (5) FULFILLMENT OF MULTIPLE REQUIRE-
7 MENTS.—An individual may fulfill more than 1 re-
8 quirement described in paragraph (3) or (4).

9 (6) EX OFFICIO MEMBERS.—The Director and
10 the Deputy Director shall serve as ex officio and
11 nonvoting members of the Board.

12 (c) TERMS.—

13 (1) IN GENERAL.—A member of the Board
14 shall be appointed for a term of 6 years.

15 (2) EXCEPTION.—Of the members first ap-
16 pointed to the Board—

17 (A) 6 members shall serve a term of 2
18 years;

19 (B) 6 members shall serve a term of 4
20 years; and

21 (C) 7 members shall serve a term of 6
22 years.

23 (3) RENEWABLE TERM.—A member of the
24 Board may be appointed for not more than a total

1 of 2 terms, including an initial term described in
2 paragraph (2).

3 (4) VACANCIES.—

4 (A) IN GENERAL.—In the event of a va-
5 cancy, the President may appoint a member to
6 fill the remainder of the term.

7 (B) ADDITIONAL TERM.—A member ap-
8 pointed under subparagraph (A) may be re-
9 appointed for 1 additional term.

10 (5) HOLDOVERS.—If a successor has not been
11 appointed at the conclusion of the term of a member
12 of the Board, the member of the Board may con-
13 tinue to serve until—

14 (A) a successor is appointed; or

15 (B) the member of the Board is re-
16 appointed.

17 (d) RESPONSIBILITIES.—The Board shall—

18 (1) make recommendations to the Director re-
19 lating to research priorities and needs, accreditation
20 and certification standards, standards and protocols
21 for forensic science disciplines, and any other issue
22 consistent with this Act;

23 (2) monitor and evaluate—

1 (A) the administration of accreditation,
2 certification, and research programs and proce-
3 dures established under this Act; and

4 (B) the operation of the Committees;

5 (3) review and update, as appropriate, any rec-
6 ommendations made under paragraph (1); and

7 (4) perform all other functions of the Board
8 under this Act and such other related functions as
9 are necessary to perform the functions of the Board.

10 (e) CONSULTATION.—The Board shall consult as ap-
11 propriate with the Deputy Attorney General, the Director
12 of the National Institute of Standards and Technology,
13 the Director of the National Science Foundation, the Di-
14 rector of the National Institute of Justice, the Director
15 of the Centers for Disease Control and Prevention, senior
16 officials from other relevant Federal agencies, and rel-
17 evant officials of State and local government.

18 (f) MEETINGS.—

19 (1) IN GENERAL.—The Board shall hold not
20 fewer than 4 meetings of the full Board each year.

21 (2) REQUIREMENTS.—

22 (A) NOTICE.—The Board shall provide
23 public notice of any meeting of the Board a rea-
24 sonable period in advance of the meeting.

1 (B) OPEN MEETINGS.—A meeting of the
2 Board shall be open to the public.

3 (C) QUORUM.—A majority of the members
4 of the Board shall be present for a quorum to
5 conduct business.

6 (g) VOTES.—

7 (1) IN GENERAL.—Decisions of the Board shall
8 be made by an affirmative vote of not less than $\frac{2}{3}$
9 of the members of the Board voting.

10 (2) VOTING PROCEDURES.—

11 (A) RECORDED.—All votes of the Board
12 shall be recorded.

13 (B) REMOTE AND PROXY VOTING.—If nec-
14 essary, a member of the Board may cast a
15 vote—

16 (i) over the phone or through elec-
17 tronic mail or other electronic means if the
18 vote is scheduled to take place during a
19 time other than a full meeting of the
20 Board; and

21 (ii) over the phone or by proxy if the
22 vote is scheduled to take place during a
23 full meeting of the Board.

24 (h) DEFINITION OF FORENSIC SCIENCE DIS-
25 CIPLINE.—

1 (1) IN GENERAL.—Not later than 18 months
2 after the date of enactment of this Act, the Board
3 shall—

4 (A) develop a recommended definition of
5 the term “forensic science discipline” for pur-
6 poses of this Act, which shall encompass dis-
7 ciplines with a sufficient scientific basis that in-
8 volve forensic testing, analysis, identification, or
9 comparisons, the results of which may be inter-
10 preted, presented, or otherwise used during the
11 course of a criminal investigation or criminal
12 court proceeding;

13 (B) develop a recommended list of forensic
14 science disciplines for purposes of this Act; and

15 (C) submit the recommended definition
16 and proposed list of forensic science disciplines
17 to the Director.

18 (2) CONSIDERATION.—In developing a rec-
19 ommended list of forensic science disciplines under
20 paragraph (1)(B), the Board shall consider each
21 field from which courts in criminal cases hear foren-
22 sic testimony or admit forensic evidence.

23 (3) EXCLUSION FROM LIST.—If the Board rec-
24 ommends that a field should not be included on the
25 list submitted under paragraph (1) because the field

1 has insufficient scientific basis on the date of the
2 recommendation of the Board, the Board shall pub-
3 lish an explanation of the recommendation, which—

4 (A) shall be published on the website of the
5 Board; and

6 (B) may include a finding that a field
7 could be recognized as a forensic science dis-
8 cipline, based on additional research.

9 (4) ESTABLISHMENT.—After the Director re-
10 ceives the recommendation of the Board under para-
11 graph (1), the Director shall, in accordance with sec-
12 tion 101(e)(4), establish a definition for the term
13 “forensic science discipline”, and shall establish a
14 list of forensic science disciplines.

15 (5) ANNUAL EVALUATION.—On an annual
16 basis, the Board shall—

17 (A) evaluate—

18 (i) whether any field should be added
19 to the list of forensic science disciplines es-
20 tablished under paragraph (4); and

21 (ii) whether any field on the list of fo-
22 rensic science disciplines established under
23 paragraph (4) should be modified or re-
24 moved; and

1 (B) submit the evaluation conducted under
2 subparagraph (A), including any recommenda-
3 tions, to the Director.

4 (i) STAFF.—

5 (1) IN GENERAL.—The Board may, without re-
6 gard to the civil service laws and regulations, ap-
7 point and terminate an executive director and such
8 other additional personnel as may be necessary to
9 enable the Board to perform the duties of the
10 Board.

11 (2) COMPENSATION.—The Board may fix the
12 compensation of the executive director and other
13 personnel appointed under paragraph (1) without re-
14 gard to the provisions of chapter 51 and subchapter
15 III of chapter 53 of title 5, United States Code, re-
16 lating to classification of positions and General
17 Schedule pay rates, except that the rate of pay for
18 the executive director and other personnel may not
19 exceed the rate payable for level V of the Executive
20 Schedule under section 5316 of such title.

21 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

22 (A) IN GENERAL.—Any personnel of the
23 Board who are employees shall be employees
24 under section 2105 of title 5, United States

1 Code, for purposes of chapters 63, 81, 83, 84,
2 24 85, 87, 89, 89A, 89B, and 90 of that title.

3 (B) MEMBERS OF THE BOARD.—Subpara-
4 graph (A) shall not be construed to apply to
5 members of the Board.

6 (4) PROCUREMENT OF TEMPORARY AND INTER-
7 MITTENT SERVICES.—The Board may procure tem-
8 porary and intermittent services under section
9 3109(b) of title 5, United States Code, at rates for
10 individuals which do not exceed the daily equivalent
11 of the annual rate of basic pay prescribed for level
12 V of the Executive Schedule under section 5316 of
13 such title.

14 (5) VOLUNTARY SERVICES.—Notwithstanding
15 section 1342 of title 31, United States Code, the
16 Board may accept and use voluntary and uncompen-
17 sated services for the Board as the Board deter-
18 mines necessary.

19 (j) REPORTS TO CONGRESS.—Not later than 2 years
20 after the date of enactment of this Act, and every 2 years
21 thereafter, the Board shall submit to Congress a report
22 describing the work of the Board and the work of each
23 Committee, which shall include a description of any rec-
24 ommendations, decisions, and other significant materials
25 generated during the 2-year period.

1 (k) APPLICABILITY OF THE FEDERAL ADVISORY
2 COMMITTEE ACT.—

3 (1) IN GENERAL.—Subject to paragraphs (2)
4 and (3), the Federal Advisory Committee Act (5
5 U.S.C. App.) shall apply to the Board.

6 (2) TERMINATION PROVISION.—Section
7 14(a)(2) of the Federal Advisory Committee Act (5
8 U.S.C. App.) shall not apply to the Board.

9 (3) COMPENSATION OF MEMBERS.—Members of
10 the Board shall serve without compensation for serv-
11 ices performed for the Board.

12 (4) TRAVEL EXPENSES.—The members of the
13 Board shall be allowed travel expenses, including per
14 diem in lieu of subsistence, at rates authorized for
15 employees of agencies under subchapter I of chapter
16 57 of title 5, United States Code, while away from
17 their homes or regular places of business in the per-
18 formance of services for the Board.

19 (5) DESIGNATED FEDERAL OFFICER.—In ac-
20 cordance with the Federal Advisory Committee Act
21 (5 U.S.C. App.), the Director shall—

22 (A) serve as the designated Federal officer;

23 and

24 (B) designate a committee management of-
25 ficer for the Board.

1 **SEC. 103. COMMITTEES.**

2 (a) ESTABLISHMENT AND MAINTENANCE OF COM-
3 MITTEES.—

4 (1) IN GENERAL.—Not later than 18 months
5 after the date of enactment of this Act, the Board
6 shall issue recommendations to the Director relating
7 to—

8 (A) the number of Committees that shall
9 be established to examine research needs,
10 standards and best practices, and certification
11 standards for the forensic science disciplines,
12 which shall be—

13 (i) not fewer than 1; and

14 (ii) sufficient to allow the Committees
15 to function effectively;

16 (B) the scope of responsibility for each
17 Committee recommended to be established,
18 which shall ensure that each forensic science
19 discipline is addressed by a Committee;

20 (C) what the relationship should be be-
21 tween the Committees and any scientific work-
22 ing group or technical working group that has
23 a similar scope of responsibility; and

24 (D) whether any Committee should con-
25 sider any field not recognized as a forensic
26 science discipline for the purpose of determining

1 whether there is research that could be con-
2 ducted and used to form the basis for estab-
3 lishing the field as a forensic science discipline.

4 (2) ESTABLISHMENT.—After the Director re-
5 ceives the recommendations of the Board under
6 paragraph (1), the Director, in coordination with the
7 Deputy Director, shall—

8 (A) in accordance with section 101(e)(4),
9 establish—

10 (i) Committees to examine research
11 needs, standards, and best practices, and
12 certification standards for the forensic
13 science disciplines, which shall be not fewer
14 than 1; and

15 (ii) a clear scope of responsibility for
16 each Committee; and

17 (B) publish a list of the Committees and
18 the scope of responsibility for each Committee
19 on the website for the Office.

20 (3) ANNUAL EVALUATION.—The Board, on an
21 annual basis, shall—

22 (A) evaluate—

23 (i) whether any new Committees
24 should be established;

1 (ii) whether the scope of responsibility
2 for any Committee should be modified; and

3 (iii) whether any Committee should be
4 discontinued;

5 (B) submit any recommendations relating
6 to the evaluation conducted under subpara-
7 graph (A) to the Director and Deputy Director.

8 (4) UPDATES.—Upon receipt of any rec-
9 ommendations from the Board under paragraph (3),
10 the Director shall, in accordance with section
11 101(e)(4), determine whether to establish, modify
12 the scope of, or discontinue any Committee.

13 (b) MEMBERSHIP.—

14 (1) IN GENERAL.—Each Committee shall—

15 (A) consist of not more than 21 mem-
16 bers—

17 (i) each of whom shall be a scientist
18 with knowledge relevant to a forensic
19 science discipline addressed by the Com-
20 mittee; and

21 (ii) not less than 50 percent of whom
22 shall have extensive experience or back-
23 ground in scientific research;

24 (B) have a number of members who have
25 extensive experience or background in the fo-

1 rensic sciences sufficient to ensure that the
2 Committee has an adequate understanding of
3 the factors and needs unique to the forensic
4 sciences; and

5 (C) have a membership that represents a
6 variety of scientific disciplines, including the fo-
7 rensic sciences.

8 (2) DEFINITION.—In this subsection, the term
9 “scientist” includes—

10 (A) a statistician with a scientific back-
11 ground; and

12 (B) a physician with expertise in forensic
13 sciences.

14 (c) APPOINTMENT.—

15 (1) IN GENERAL.—The Deputy Director, in
16 consultation with the Board, shall appoint the mem-
17 bers of each Committee.

18 (2) CONSIDERATION.—In appointing members
19 to a Committee under paragraph (1), the Deputy
20 Director shall consider—

21 (A) the importance of analysis from sci-
22 entists with academic backgrounds; and

23 (B) the importance of input from experi-
24 enced forensic practitioners.

1 (3) VACANCIES.—In the event of a vacancy, the
2 Deputy Director, in consultation with the Board,
3 may appoint a member to fill the remainder of the
4 term.

5 (4) HOLDOVERS.—If a successor has not been
6 appointed at the conclusion of the term of a member
7 of the Committee, the member of the Committee
8 may continue to serve until—

9 (A) a successor is appointed; or

10 (B) the member of the Committee is re-
11 appointed.

12 (d) TERMS.—A member of a Committee shall serve
13 for renewable terms of 4 years.

14 (e) SUPPORT AND OVERSIGHT.—

15 (1) IN GENERAL.—The National Institute of
16 Standards and Technology shall provide support and
17 staff for each Committee as needed.

18 (2) DUTIES AND OVERSIGHT.—The Deputy Di-
19 rector shall—

20 (A) perform periodic oversight of each
21 Committee; and

22 (B) report any concerns about the per-
23 formance or functioning of a Committee to the
24 Board and the Director.

1 (3) FAILURE TO COMPLY.—If a Committee fails
2 to produce recommendations within the time periods
3 required under this Act, the Deputy Director and
4 the Director of the National Institute of Standards
5 and Technology shall work with the Committee to
6 assist the Committee in producing the required rec-
7 ommendations in a timely manner.

8 (f) DUTIES.—

9 (1) IN GENERAL.—A Committee shall have the
10 duties and responsibilities set out in this Act, and
11 shall perform any other functions determined appro-
12 priate by the Board and the Deputy Director.

13 (2) COMMITTEE DECISIONS AND RECOMMENDA-
14 TIONS.—

15 (A) IN GENERAL.—A Committee shall sub-
16 mit recommendations and all recommended
17 standards, protocols, or other materials devel-
18 oped by the Committee to the Board for evalua-
19 tion.

20 (B) PROHIBITION OF MODIFICATION OF
21 DECISIONS AND RECOMMENDATIONS.—Any rec-
22 ommendations of a Committee and any rec-
23 ommended standards, protocols, or other mate-
24 rials developed by a Committee may be ap-

1 proved or disapproved by the Board, but may
2 not be modified by the Board.

3 (C) APPROVAL OF DECISIONS AND REC-
4 OMMENDATIONS.—If the Board approves a rec-
5 ommendation or recommended standard, pro-
6 tocol, or other material submitted by a Com-
7 mittee under subparagraph (A), the Board shall
8 submit the recommendation or recommended
9 standard, protocol, or other material as a rec-
10 ommendation of the Board, to the Director and
11 Deputy Director for consideration in accordance
12 with section 101(e)(4).

13 (D) DISAPPROVAL OF DECISIONS AND REC-
14 OMMENDATIONS.—If the Board disapproves of
15 any recommendation of a Committee or rec-
16 ommended standard, protocol, or other material
17 developed by a Committee—

18 (i) the Board shall provide in writing
19 the reason for the disapproval of the rec-
20 ommendation or recommended standard,
21 protocol, or other material;

22 (ii) the Committee shall withdraw the
23 recommendation or recommended stand-
24 ard, protocol, or other material developed
25 by the Committee; and

1 (iii) the Committee may submit a re-
2 vised recommendation or recommended
3 standard, protocol, or other material.

4 (g) MEETINGS.—

5 (1) IN GENERAL.—A Committee shall hold not
6 fewer than 4 meetings of the full Committee each
7 year.

8 (2) REQUIREMENTS.—

9 (A) NOTICE.—A Committee shall provide
10 public notice of any meeting of the Committee
11 a reasonable period in advance of the meeting.

12 (B) OPEN MEETINGS.—A meeting of a
13 Committee shall be open to the public.

14 (C) QUORUM.—A majority of members of
15 a Committee shall be present for a quorum to
16 conduct business.

17 (h) VOTES.—

18 (1) IN GENERAL.—Decisions of a Committee
19 shall be made by an affirmative vote of not less than
20 $\frac{2}{3}$ of the members of the Committee voting.

21 (2) VOTING PROCEDURES.—

22 (A) RECORDED.—All votes taken by a
23 Committee shall be recorded.

1 (B) REMOTE AND PROXY VOTING.—If nec-
2 essary, a member of the Committee may cast a
3 vote—

4 (i) over the phone or through elec-
5 tronic mail if the vote is scheduled to take
6 place during a time other than a full meet-
7 ing of the Committee; and

8 (ii) over the phone or by proxy if the
9 vote is scheduled to take place during a
10 full meeting of the Committee.

11 (i) APPLICABILITY OF THE FEDERAL ADVISORY
12 COMMITTEE ACT.—

13 (1) IN GENERAL.—The Federal Advisory Com-
14 mittee Act (5 U.S.C. App.) shall not apply to a
15 Committee.

16 (2) COMPENSATION OF MEMBERS.—Members of
17 a Committee shall serve without compensation for
18 services performed for the Committee.

19 (3) TRAVEL EXPENSES.—The members of a
20 Committee shall be allowed travel expenses, includ-
21 ing per diem in lieu of subsistence, at rates author-
22 ized for employees of agencies under subchapter I of
23 chapter 57 of title 5, United States Code, while
24 away from their homes or regular places of business
25 in the performance of services for the Committee.

1 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated—

3 (1) \$15,000,000 for each of fiscal years 2012
4 through 2016 for the operation and staffing of the
5 Office;

6 (2) \$5,000,000 for each of fiscal years 2012
7 through 2016 for the operation and staffing of the
8 Board;

9 (3) \$15,000,000 for each of fiscal years 2012
10 through 2016 for the operation and staffing of the
11 Committees; and

12 (4) \$5,000,000 for each of fiscal years 2012
13 through 2016 to the National Institute of Standards
14 and Technology for the oversight, support, and staff-
15 ing of the Committees.

16 **TITLE II—ACCREDITATION OF**
17 **FORENSIC SCIENCE LABORA-**
18 **TORIES**

19 **SEC. 201. ACCREDITATION OF FORENSIC SCIENCE LABORA-**
20 **TORIES.**

21 (a) IN GENERAL.—On and after the date established
22 under subsection (b)(2)(D), a forensic science laboratory
23 may not receive, directly or indirectly, any Federal funds,
24 unless the Director has verified that the laboratory has
25 been accredited in accordance with the standards and pro-
26 cedures established under this title.

1 (b) PROCEDURES FOR ACCREDITATION.—

2 (1) RECOMMENDATIONS.—Not later than 3
3 years after the date of enactment of this Act, the
4 Board shall submit to the Director—

5 (A) recommended procedures for the ac-
6 creditation of forensic science laboratories that
7 are consistent with the recommended standards
8 and criteria developed by the Board under sec-
9 tion 202;

10 (B) recommended procedures for the peri-
11 odic review and updating of the accreditation
12 status of forensic science laboratories;

13 (C) recommended procedures for the Di-
14 rector to verify that laboratories have been ac-
15 credited in accordance with the standards and
16 procedures established under this title, which
17 shall include procedures to implement, admin-
18 ister, and coordinate enforcement of the pro-
19 gram for the accreditation of forensic science
20 laboratories; and

21 (D) a recommendation regarding the date
22 by which forensic science laboratories should—

23 (i) begin the process of laboratory ac-
24 creditation; and

1 (ii) obtain verification of laboratory
2 accreditation to be eligible to receive Fed-
3 eral funds.

4 (2) ESTABLISHMENT.—After the Director re-
5 ceives the recommendations of the Board under
6 paragraph (1), the Director shall, in accordance with
7 section 101(e)(4), establish—

8 (A) procedures for the accreditation of a
9 forensic science laboratory;

10 (B) procedures for the Director to verify
11 that laboratories have been accredited in ac-
12 cordance with the standards and procedures es-
13 tablished under this title;

14 (C) the date by which a forensic science
15 laboratory shall begin the process of accredita-
16 tion; and

17 (D) the date by which a forensic science
18 laboratory shall obtain verification of laboratory
19 accreditation to be eligible to receive Federal
20 funds.

21 (c) DEFINITION.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Board shall
24 recommend to the Director a definition of the term
25 “forensic science laboratory” for purposes of this

1 Act, which shall include any laboratory that con-
2 ducts forensic testing, analysis, identification, or
3 comparisons, the results of which may be inter-
4 preted, presented, or otherwise used during the
5 course of a criminal investigation or criminal court
6 proceeding.

7 (2) ESTABLISHMENT.—After the Director re-
8 ceives the recommendation of the Board under para-
9 graph (1), the Director shall, in accordance with sec-
10 tion 101(e)(4), establish a definition for the term
11 “forensic science laboratory”.

12 (d) APPLICABILITY TO FEDERAL AGENCIES.—On
13 and after the date established by the Director under sub-
14 section (b)(2)(D), a Federal agency may not use any fo-
15 rensic science laboratory during the course of a criminal
16 investigation or criminal court proceeding unless the fo-
17 rensic science laboratory meets the standards of accredita-
18 tion and certification established by the Office under this
19 Act.

20 **SEC. 202. STANDARDS FOR LABORATORY ACCREDITATION.**

21 (a) STANDARDS.—

22 (1) RECOMMENDATIONS.—Not later than 18
23 months after the date of enactment of this Act, the
24 Board shall, in consultation with qualified profes-
25 sional organizations, submit to the Director rec-

1 ommendations regarding standards for the accredi-
2 tation of forensic science laboratories, including
3 quality assurance standards, to ensure the quality,
4 integrity, and accuracy of any testing, analysis, iden-
5 tification, or comparisons performed by a forensic
6 science laboratory for use during the course of a
7 criminal investigation or criminal court proceeding.

8 (2) ESTABLISHMENT.—After the Director re-
9 ceives the recommendations of the Board under
10 paragraph (1), the Director shall, in accordance with
11 section 101(e)(4), establish standards for the accred-
12 itation of forensic science laboratories.

13 (3) REQUIREMENTS.—In recommending or es-
14 tablishing standards under paragraph (1) or (2) the
15 Board and the Director shall—

16 (A) consider—

17 (i) whether any relevant national ac-
18 creditation standards that were in effect
19 before the date of enactment of this Act
20 would be sufficient for the accreditation of
21 forensic science laboratories under this
22 Act; and

23 (ii) whether any relevant national ac-
24 creditation standards that were in effect
25 before the date of enactment of this Act

1 would be sufficient for the accreditation of
2 forensic science laboratories under this Act
3 with supplemental standards; and

4 (B) include—

5 (i) educational and training require-
6 ments for relevant laboratory personnel;

7 (ii) proficiency and competency test-
8 ing requirements for relevant laboratory
9 personnel; and

10 (iii) maintenance and auditing re-
11 quirements for accredited forensic science
12 laboratories.

13 (b) REVIEW OF STANDARDS.—

14 (1) IN GENERAL.—Not less frequently than
15 once every 5 years—

16 (A) the Board shall—

17 (i) review the scope and effectiveness
18 of the accreditation standards established
19 under subsection (a);

20 (ii) submit recommendations to the
21 Director relating to whether, and if so,
22 how to update the standards as necessary
23 to—

1 (I) account for developments in
2 relevant scientific research and tech-
3 nological advances;

4 (II) ensure adherence to the
5 standards and best practices estab-
6 lished under title V; and

7 (III) address any other issue
8 identified during the course of the re-
9 view conducted under clause (i); and

10 (B) the Director shall, as necessary and in
11 accordance with section 101(e)(4), update the
12 accreditation standards established under sub-
13 section (a).

14 (2) PROCEDURES FOR OPEN AND TRANS-
15 PARENT REVIEW OF STANDARDS.—The Director, in
16 consultation with the Board, shall establish proce-
17 dures to ensure that the process for developing, re-
18 viewing, and updating accreditation standards under
19 this section—

20 (A) is open and transparent to the public;
21 and

22 (B) includes an opportunity for the public
23 to comment on proposed standards with suffi-
24 cient prior notice.

1 **SEC. 203. ADMINISTRATION AND ENFORCEMENT OF AC-**
2 **CREDITATION PROGRAM.**

3 (a) ADMINISTRATION AND ENFORCEMENT OF AC-
4 CREDITATION PROGRAM.—

5 (1) IN GENERAL.—The Director shall determine
6 whether a forensic science laboratory is eligible to
7 receive, directly or indirectly, Federal funds under
8 section 201(a).

9 (2) ADMINISTRATION.—

10 (A) IN GENERAL.—The Director may iden-
11 tify 1 or more qualified accrediting entities with
12 experience and expertise relevant to the accredi-
13 tation of forensic science laboratories, the ac-
14 creditation of a forensic science laboratory by
15 which shall constitute accreditation for purposes
16 of section 201(a).

17 (B) OVERSIGHT.—The Director shall peri-
18 odically reevaluate whether accreditation by a
19 qualified accrediting entity identified under sub-
20 paragraph (A) is adequate to ensure compliance
21 with the standards and procedures established
22 under this title.

23 (C) REPORTING.—The Director shall pro-
24 vide regular reports to the Board regarding the
25 accreditation of forensic science laboratories by
26 qualified accrediting entities identified under

1 subparagraph (A) and reevaluations of accredi-
2 tation by qualified accrediting entities under
3 subparagraph (B), which shall be published on
4 the website of the Office.

5 (b) REVIEW OF ELIGIBILITY.—Not less frequently
6 than once every 5 years, the Director shall evaluate wheth-
7 er a forensic science laboratory that has been determined
8 to be eligible to receive Federal funds under section 201(a)
9 remains eligible to receive Federal funds, including wheth-
10 er any accreditation of the forensic science laboratory by
11 a qualified accrediting entity identified under subpara-
12 graph (A) is still in effect.

13 (c) WEBSITE.—The Director shall develop and main-
14 tain on the website of the Office an updated list of—

15 (1) the forensic science laboratories that are eli-
16 gible for Federal funds under section 201(a);

17 (2) the forensic science laboratories that have
18 been determined to be ineligible to receive Federal
19 funds under section 201(a); and

20 (3) the forensic science laboratories that are
21 awaiting a determination regarding eligibility to re-
22 ceive Federal funds under section 201(a).

1 **TITLE III—CERTIFICATION OF**
2 **FORENSIC SCIENCE PERSONNEL**

3 **SEC. 301. DEFINITIONS.**

4 (a) COVERED ENTITY.—In this title, the term “cov-
5 ered entity” means an entity that—

6 (1) is not a forensic science laboratory; and

7 (2) conducts forensic testing, analysis, identi-
8 fication, or comparisons, the results of which may be
9 interpreted, presented, or otherwise used during the
10 course of a criminal investigation or criminal court
11 proceeding.

12 (b) RELEVANT PERSONNEL.—

13 (1) RECOMMENDATION.—Not later than 1 year
14 after the date of enactment of this Act, the Board
15 shall submit to the Director a recommended defini-
16 tion of the term “relevant personnel”, which shall
17 include individuals who—

18 (A) conduct forensic testing, analysis, iden-
19 tification, or comparisons, the results of which
20 may be interpreted, presented, or otherwise
21 used during the course of a criminal investiga-
22 tion or criminal court proceeding; or

23 (B) testify about evidence prepared by an
24 individual described in paragraph (A).

1 (A) consult with qualified professional or-
2 ganizations;

3 (B) consider relevant certification stand-
4 ards and best practices developed by qualified
5 professional or scientific organizations;

6 (C) consider any standards or best prac-
7 tices established under title V; and

8 (D) consider—

9 (i) whether certain minimum stand-
10 ards should be established for the edu-
11 cation and training of relevant personnel;

12 (ii) whether there should be an alter-
13 native process to enable relevant personnel
14 who were hired before the date established
15 under section 304(c)(1), to obtain certifi-
16 cations, including—

17 (I) testing that demonstrates
18 proficiency in a specific forensic
19 science discipline that is equal to or
20 greater than the level of proficiency
21 required by the standards for certifi-
22 cation; and

23 (II) a waiver of certain edu-
24 cational and training requirements;

1 (iii) whether and under what condi-
2 tions relevant personnel should be allowed
3 to perform an activity described in sub-
4 paragraph (A) or (B) of section 301(b)(1)
5 for a forensic science laboratory or covered
6 entity while the individual obtains the
7 training and education required for certifi-
8 cation under the standards developed
9 under this title; and

10 (iv) whether certification by recog-
11 nized and relevant medical boards should
12 be sufficient for relevant personnel to meet
13 the standards developed under this title.

14 (b) APPROVAL OR DENIAL OF RECOMMENDA-
15 TIONS.—The Board shall approve or deny any rec-
16 ommendation submitted by a Committee under subsection
17 (a) in accordance with section 103(f)(2).

18 (c) ESTABLISHMENT OF STANDARDS.—After the Di-
19 rector receives recommendations from the Board under
20 subsection (b), the Director shall, in accordance with sec-
21 tion 101(e)(4), establish standards for the certification of
22 relevant personnel.

23 (d) REVIEW OF STANDARDS.—

24 (1) IN GENERAL.—Not less frequently than
25 once every 5 years, a Committee shall—

1 (A) review the standards for certification
2 established under subsection (c) for each foren-
3 sic science discipline within the responsibility of
4 the Committee; and

5 (B) submit to the Board recommendations
6 regarding updates, if any, to the standards for
7 certification as necessary—

8 (i) to account for developments in rel-
9 evant scientific research, technological ad-
10 vances, or changes in the law; and

11 (ii) to ensure adherence to the uni-
12 form standards and best practices estab-
13 lished under title V.

14 (2) BOARD REVIEW.—Not later than 180 days
15 after the date on which a Committee submits rec-
16 ommendations under paragraph (1)(B), the Board
17 shall, in accordance with section 103(f)(2)—

18 (A) consider the recommendations; and

19 (B) submit to the Director recommenda-
20 tions of uniform standards and best practices
21 for each forensic science discipline.

22 (3) UPDATES.—After the Director receives rec-
23 ommendations from the Board under paragraph (2),
24 the Director shall, in accordance with section

1 101(e)(4), update the standards for certification of
2 relevant personnel.

3 (e) PUBLIC COMMENT.—The Director, in consulta-
4 tion with the Board, shall establish procedures to ensure
5 that the process for establishing, reviewing, and updating
6 standards for certification of relevant personnel under this
7 section—

8 (1) is open and transparent to the public; and

9 (2) includes an opportunity for the public to
10 comment on proposed standards with sufficient prior
11 notice.

12 **SEC. 304. ADMINISTRATION AND REVIEW OF CERTIFI-**
13 **CATION PROGRAM.**

14 (a) IN GENERAL.—

15 (1) DETERMINATION.—The Director shall de-
16 termine whether a forensic science laboratory or cov-
17 ered entity is eligible to receive, directly or indi-
18 rectly, Federal funds under section 302.

19 (2) PROCEDURES.—Not later than 1 year after
20 the date of enactment of this Act, the Director shall
21 establish policies and procedures to implement, ad-
22 minister, and coordinate enforcement of the certifi-
23 cation requirements established under this title, in-
24 cluding requiring the periodic recertification of rel-
25 evant personnel.

1 (b) ADMINISTRATION.—

2 (1) IN GENERAL.—After consultation with the
3 Board, the Director may identify 1 or more qualified
4 professional organizations with experience and ex-
5 pertise relevant to the certification of individuals in
6 a particular forensic science discipline, the certifi-
7 cation of an individual by which shall constitute cer-
8 tification for purposes of section 302.

9 (2) OVERSIGHT.—The Director shall periodi-
10 cally reevaluate whether certification by a qualified
11 professional organizations identified under para-
12 graph (1) is adequate to ensure compliance with the
13 standards established under this title.

14 (3) REPORTING.—The Director shall provide
15 regular reports to the Board regarding the certifi-
16 cation of relevant personnel by qualified professional
17 organizations identified under paragraph (1) and re-
18 evaluations of certification by qualified professional
19 organizations under paragraph (2), which shall be
20 published on the website of the Office.

21 (c) IMPLEMENTATION OF CERTIFICATION REQUIRE-
22 MENTS.—

23 (1) IN GENERAL.—After consultation with the
24 Board, the Director shall establish the date on which
25 forensic science laboratories and covered entities

1 shall be in compliance with the certification require-
2 ments of this title.

3 (2) GRADUAL IMPLEMENTATION.—The Director
4 shall, in consultation with the Board and each Com-
5 mittee, establish policies and procedures to enable
6 the gradual implementation of the certification re-
7 quirements that—

8 (A) include a reasonable schedule to allow
9 relevant personnel to obtain certifications; and

10 (B) allow for partial compliance with the
11 requirements of section 302 for a reasonable
12 period of time after the date established under
13 paragraph (1).

14 (d) REVIEW OF CERTIFICATION REQUIREMENTS.—
15 The Director shall establish policies and procedures for
16 the periodic review of the implementation, administration,
17 and enforcement of the certification requirements estab-
18 lished under this title.

19 **SEC. 305. GRANTS AND TECHNICAL ASSISTANCE.**

20 (a) IN GENERAL.—The Director of the National In-
21 stitute of Justice, in consultation with the Director, may
22 make grants and provide technical assistance to forensic
23 science laboratories and other entities subject to the re-
24 quirements under this title and title II to ensure that fo-
25 rensic science laboratories and covered entities are able to

1 effectively fulfill the responsibilities of the laboratories or
2 entities during the process of—

3 (1) seeking accreditation under title II; and

4 (2) obtaining certifications for relevant per-
5 sonnel under this title.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated \$10,000,000 for each of fiscal years
9 2012 through 2016 to the National Institute of Jus-
10 tice for the grant program and technical assistance
11 described in subsection (a).

12 (2) REQUIREMENT.—Not less than 75 percent
13 of funds appropriated pursuant to paragraph (1)
14 shall be used for grants under this section.

15 (c) REPORT.—The Director of the National Institute
16 of Justice shall, on an annual basis, submit to the Board
17 and the Director a report that describes—

18 (1) the application process for grants under this
19 section;

20 (2) each grant made under this section during
21 the fiscal year before the fiscal year in which the re-
22 port is submitted; and

23 (3) as appropriate, the status and results of
24 any grants previously described in a report sub-
25 mitted under this subsection.

TITLE IV—RESEARCH

SEC. 401. RESEARCH STRATEGY AND PRIORITIES.

(a) COMPREHENSIVE RESEARCH STRATEGY AND
AGENDA.—

(1) RECOMMENDATION.—Not later than 18 months after the date of enactment of this Act, the Board shall recommend to the Director a comprehensive strategy for fostering and improving peer-reviewed scientific research relating to the forensic science disciplines, including research addressing issues of accuracy, reliability, and validity in the forensic science disciplines.

(2) ESTABLISHMENT.—After the Director receives recommendations from the Board under paragraph (1), the Director shall, in accordance with section 101(e)(4), establish a comprehensive strategy for fostering and improving peer-reviewed scientific research relating to the forensic science disciplines.

(3) REVIEW.—

(A) BOARD REVIEW.—Not less frequently than once every 5 years, the Board shall—

(i) review the comprehensive strategy established under paragraph (2); and

(ii) recommend any necessary updates to the comprehensive strategy.

1 (B) UPDATES.—After the Director receives
2 recommendations from the Board under sub-
3 paragraph (A), the Director shall, in accordance
4 with section 101(e)(4), update the comprehen-
5 sive strategy as necessary and appropriate.

6 (b) RESEARCH FUNDING PRIORITIES.—

7 (1) RECOMMENDATION.—Not later than 18
8 months after the date of enactment of this Act, the
9 Board shall recommend to the Director a list of pri-
10 orities for forensic science research funding.

11 (2) ESTABLISHMENT.—After the Director re-
12 ceives the list from the Board under paragraph (1),
13 the Director shall, in accordance with section
14 101(e)(4), establish a list of priorities for forensic
15 science research funding.

16 (3) REVIEW.—Not less frequently than once
17 every 2 years, the Board shall—

18 (A) review—

19 (i) the list of priorities established
20 under paragraph (2); and

21 (ii) the findings of the relevant Com-
22 mittees made under subsection (c); and

23 (B) recommend any necessary updates to
24 the list of priorities, incorporating, as appro-

1 priate, the findings of the Committees under
2 subsection (c).

3 (4) UPDATES.—After the Director receives the
4 recommendations under paragraph (3), the Director
5 shall, in accordance with section 101(e)(4), update
6 as necessary the list of research funding priorities.

7 (c) EVALUATION OF RESEARCH NEEDS.—Not later
8 than 2 years after the date on which all members of a
9 Committee have been appointed under section 103, and
10 periodically thereafter, the Committee shall—

11 (1) examine and evaluate the scientific research
12 in each forensic science discipline within the respon-
13 sibility of the Committee;

14 (2) conduct comprehensive surveys of scientific
15 research relating to each forensic science discipline
16 within the responsibility of the Committee;

17 (3) examine the research needs in each forensic
18 science discipline within the responsibility of the
19 Committee and identify key areas in which further
20 scientific research is needed; and

21 (4) develop and submit to the Board a list of
22 research needs and priorities.

23 (d) CONSIDERATION.—In developing the initial re-
24 search strategy, research priorities, and surveys required
25 under this section, the Board and the Director shall con-

1 sider any findings, surveys, and analyses relating to re-
2 search in forensic science disciplines, including those made
3 by the Subcommittee on Forensic Science of the National
4 Science and Technology Council.

5 **SEC. 402. RESEARCH GRANTS.**

6 (a) COMPETITIVE GRANTS.—

7 (1) DEFINITION.—In this subsection, the term
8 “eligible entity” means—

9 (A) a nonprofit academic or research insti-
10 tution; and

11 (B) any other entity designated by the Di-
12 rector of the National Institute of Standards
13 and Technology.

14 (2) PEER-REVIEW RESEARCH GRANTS.—

15 (A) IN GENERAL.—The Director of the
16 National Institute of Standards and Technology
17 may, on a competitive basis, make grants to eli-
18 gible entities to conduct peer-reviewed scientific
19 research.

20 (B) CONSIDERATION.—In making grants
21 under this paragraph, the Director of the Na-
22 tional Institute of Standards and Technology
23 shall—

24 (i) ensure that grants made under
25 this paragraph are for peer-reviewed sci-

1 entific research in areas that are consistent
2 with the research priorities established by
3 the Director under section 401(b); and

4 (ii) take into consideration the re-
5 search needs identified by the Committees
6 under section 401(c).

7 (3) DEVELOPMENT OF NEW TECHNOLOGIES.—

8 The Director of the National Institute of Standards
9 and Technology may, on a competitive basis, make
10 grants to eligible entities to conduct peer-reviewed
11 scientific research to develop new technologies and
12 processes to increase the efficiency, effectiveness,
13 and accuracy of forensic testing procedures.

14 (4) COORDINATION WITH DIRECTOR.—In mak-

15 ing grants under this subsection, the Director of the
16 National Institute of Standards and Technology
17 shall—

18 (A) coordinate with the Director; and

19 (B) consider the plan established under
20 section 404.

21 (5) COORDINATION WITH THE NATIONAL

22 SCIENCE FOUNDATION.—The Director of the Na-
23 tional Institute of Standards and Technology shall
24 consult and coordinate with the National Science
25 Foundation to ensure—

1 (A) the integrity of the process for review-
2 ing funding proposals and awarding grants
3 under this subsection; and

4 (B) that the grant-making process is not
5 subject to any undue bias or influence.

6 (b) REPORT.—

7 (1) IN GENERAL.—

8 (A) SUBMISSION.—The Director of the
9 National Institute of Standards and Technology
10 shall, on an annual basis, submit to the Board
11 and the Director a report that describes—

12 (i) the application process for grants
13 under this section;

14 (ii) each grant made under this sec-
15 tion in the fiscal year before the report is
16 submitted; and

17 (iii) as appropriate, the status and re-
18 sults of grants previously described in a re-
19 port submitted under this subsection.

20 (B) PUBLICATION.—The Director shall
21 publish the report submitted under subpara-
22 graph (A) on the website of the Office.

23 (2) EVALUATION.—The Board and the Director
24 shall evaluate each report submitted under para-
25 graph (1) and consider the information provided in

1 each report in reviewing the research strategy and
2 priorities established under section 401.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated—

5 (1) \$75,000,000 to the National Institute of
6 Standards and Technology for each of fiscal years
7 2012 through 2016 for grants under subsection
8 (a)(2); and

9 (2) \$15,000,000 to the National Institute of
10 Standards and Technology for each of fiscal years
11 2012 through 2016 for grants under subsection
12 (a)(3).

13 **SEC. 403. OVERSIGHT AND REVIEW.**

14 (a) REPORTS.—Not later than 3 years after the date
15 on which the first grant is awarded under paragraph (2)
16 or (3) of section 402(a), and not later than 2 years after
17 the date on which the first report under this subsection
18 is submitted, the Inspector General of the Department of
19 Justice, in coordination with the Inspector General of the
20 Department of Commerce, shall submit to Congress a re-
21 port on the administration and effectiveness of the grant
22 programs described in section 402(a).

23 (b) REQUIREMENTS.—Each report submitted under
24 this section shall evaluate—

1 (1) whether any undue biases or influences af-
2 fected the integrity of the solicitation, award, or ad-
3 ministration of research grants; and

4 (2) whether there was any unnecessary duplica-
5 tion, waste, fraud, or abuse in the grant-making
6 process.

7 **SEC. 404. PUBLIC-PRIVATE COLLABORATION.**

8 (a) RECOMMENDATION.—Not later than 2 years after
9 the date of enactment of this Act, the Board shall submit
10 to the Director a recommended plan for encouraging col-
11 laboration among universities, nonprofit research institu-
12 tions, State and local forensic science laboratories, private
13 forensic science laboratories, private corporations, and the
14 Federal Government to develop and perform cost-effective
15 and reliable research in the forensic sciences, consistent
16 with the research priorities established under section
17 401(b)(2).

18 (b) REQUIREMENTS.—The plan recommended under
19 subsection (a) shall include—

20 (1) incentives for nongovernmental entities to
21 invest significant resources into conducting nec-
22 essary research in the forensic sciences;

23 (2) procedures for ensuring the research de-
24 scribed in paragraph (1) will be conducted with suf-

1 efficient scientific rigor that the research can be relied
2 upon by—

3 (A) the Committees in developing stand-
4 ards under this Act; and

5 (B) forensic science personnel; and

6 (3) clearly defined requirements for disclosure
7 of the sources of funding by nongovernmental enti-
8 ties for forensic science research conducted in col-
9 laboration with governmental entities and safeguards
10 to prevent conflicts of interest or undue bias or in-
11 fluence.

12 (c) ESTABLISHMENT AND IMPLEMENTATION.—After
13 receiving the recommended plan of the Board under sub-
14 section (a), the Director shall establish, in accordance with
15 section 101(e)(4), and implement a plan for encouraging
16 collaboration among universities, nonprofit research insti-
17 tutions, State and local forensic science laboratories, pri-
18 vate forensic science laboratories, private corporations,
19 and the Federal Government to develop and perform cost-
20 effective and reliable research in the forensic sciences, con-
21 sistent with the research priorities established under sec-
22 tion 401(b)(2).

23 (d) OVERSIGHT.—The Director, in consultation with
24 the Board, shall periodically evaluate and, as necessary,
25 update the plan established under subsection (c).

1 **TITLE V—STANDARDS AND BEST**
2 **PRACTICES**

3 **SEC. 501. DEVELOPMENT OF STANDARDS AND BEST PRAC-**
4 **TICES.**

5 (a) COMMITTEE RECOMMENDATIONS.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date on which all members of a Committee have
8 been appointed under section 103, the Committee
9 shall develop and recommend to the Board uniform
10 standards and best practices for each forensic
11 science discipline addressed by the Committee, in-
12 cluding—

13 (A) standard protocols;

14 (B) quality assurance standards; and

15 (C) standard terminology for use in report-
16 ing, including reports of identifications, anal-
17 yses, or comparisons of forensic evidence that
18 may be used during a criminal investigation or
19 criminal court proceeding.

20 (2) REQUIREMENTS.—In developing the uni-
21 form standards and best practices under paragraph
22 (1), a Committee shall—

23 (A) as appropriate, consult with qualified
24 professional organizations; and

1 (B) develop uniform standards and best
2 practices that are designed to ensure the qual-
3 ity and scientific integrity of data, results, con-
4 clusions, analyses, and reports that are gen-
5 erated for use in the criminal justice system.

6 (b) BOARD RECOMMENDATIONS.—Not later than
7 180 days after the date on which a Committee submits
8 recommended uniform standards and best practices under
9 subsection (a), the Board shall, in accordance with section
10 103(f)(2)—

11 (1) consider the recommendations; and

12 (2) submit to the Director recommendations of
13 uniform standards and best practices.

14 **SEC. 502. ESTABLISHMENT AND DISSEMINATION OF STAND-**
15 **ARDS AND BEST PRACTICES.**

16 (a) IN GENERAL.—After the Board submits uniform
17 standards or best practices for a forensic science discipline
18 under section 501(b), the Director shall, in accordance
19 with section 101(e)(4), establish and disseminate uniform
20 standards and best practices for the forensic science dis-
21 cipline.

22 (b) PUBLICATION.—The Director shall publish the
23 uniform standards and best practices established under
24 subsection (a) on the website of the Office.

1 **SEC. 503. REVIEW AND OVERSIGHT.**

2 (a) REVIEW BY COMMITTEES.—

3 (1) IN GENERAL.—Not less frequently than
4 once every 3 years, each Committee shall review and,
5 as necessary, recommend to the Board updates to
6 the uniform standards and best practices established
7 under section 502 for each forensic science discipline
8 within the responsibility of the Committee.

9 (2) CONSIDERATIONS.—In reviewing, and devel-
10 oping recommended updates to, the uniform stand-
11 ards and best practices under paragraph (1), a Com-
12 mittee shall consider—

13 (A) input from qualified professional orga-
14 nizations;

15 (B) research published after the date on
16 which the uniform standards and best practices
17 were established, including research conducted
18 under title IV; and

19 (C) any changes to relevant law made after
20 the date on which the uniform standards and
21 best practices were established.

22 (b) BOARD RECOMMENDATIONS.—Not later than
23 180 days after the date on which a Committee submits
24 recommended updates to the uniform standards and best
25 practices under subsection (a), the Board shall, in accord-
26 ance with section 103(f)(2)—

1 (1) consider the recommendations; and

2 (2) recommend to the Director any updates, as
3 necessary, to the uniform standards and best prac-
4 tices established under section 502.

5 (c) UPDATES.—After the Director receives rec-
6 ommended updates, if any, under subsection (b), the Di-
7 rector shall, in accordance with section 101(e)(4), update
8 and disseminate the uniform standards and best practices
9 for each forensic science discipline as necessary.

10 (d) PROCEDURES.—The Director, in consultation
11 with the Board, shall establish procedures to ensure that
12 the process for developing, reviewing, and updating the
13 uniform standards and best practices—

14 (1) is open and transparent to the public; and

15 (2) includes an opportunity for the public to
16 comment on proposed standards with sufficient prior
17 notice.

1 **TITLE VI—ADDITIONAL RESPON-**
2 **SIBILITIES OF THE OFFICE**
3 **OF FORENSIC SCIENCE AND**
4 **THE FORENSIC SCIENCE**
5 **BOARD**

6 **SEC. 601. FORENSIC SCIENCE TRAINING AND EDUCATION**
7 **FOR JUDGES, ATTORNEYS, AND LAW EN-**
8 **FORCEMENT PERSONNEL.**

9 (a) IN GENERAL.—

10 (1) RECOMMENDATION.—Not later than 2
11 years after the date of enactment of this Act, the
12 Board shall submit to the Director a recommended
13 plan for—

14 (A) supporting the education and training
15 of judges, attorneys, and law enforcement per-
16 sonnel in the forensic sciences and fundamental
17 scientific principles, which shall include edu-
18 cation on the competent use and evaluation of
19 forensic science evidence; and

20 (B) developing a standardized curriculum
21 for education and training described in sub-
22 paragraph (A).

23 (2) ESTABLISHMENT.—Upon receipt of the rec-
24 ommendation from the Board under paragraph (1),

1 the Director shall establish, in accordance with sec-
2 tion 101(e)(4), and implement a plan for—

3 (A) supporting the education and training
4 of judges, attorneys, and law enforcement per-
5 sonnel in the forensic sciences and fundamental
6 scientific principles, which shall include edu-
7 cation on the competent use and evaluation of
8 forensic science evidence; and

9 (B) developing a standardized curriculum
10 for education and training described in sub-
11 paragraph (A).

12 (3) OVERSIGHT.—The Director, in consultation
13 with the Board, shall periodically evaluate and, as
14 necessary, update the plan established under para-
15 graph (2).

16 (b) GRANT PROGRAM.—

17 (1) IN GENERAL.—The Director of the National
18 Institute of Justice may, in consultation with the Di-
19 rector—

20 (A) provide technical assistance directly or
21 indirectly to judges, attorneys, and law enforce-
22 ment personnel in the forensic sciences and fun-
23 damental scientific principles, including the
24 competent use and evaluation of forensic
25 science evidence; and

1 (B) make grants to States and units of
2 local government and nonprofit organizations or
3 institutions to provide training to judges, attor-
4 neys, and law enforcement personnel about the
5 forensic sciences and fundamental scientific
6 principles, including the competent use and
7 evaluation of forensic science evidence.

8 (2) REQUIREMENT.—On and after the date on
9 which the Director establishes the plan for sup-
10 porting the education and training of judges, attor-
11 neys, and law enforcement personnel in the forensic
12 sciences and fundamental scientific principles under
13 subsection (a)(2), the Director of the National Insti-
14 tute of Justice shall administer the grant program
15 described in paragraph (1) in accordance with the
16 plan.

17 (3) AUTHORIZATION OF APPROPRIATIONS.—

18 (A) IN GENERAL.—There is authorized to
19 be appropriated to the Director of the National
20 Institute of Justice \$10,000,000 for each of fis-
21 cal years 2012 through 2016 for grants and
22 technical assistance under this subsection.

23 (B) REQUIREMENT.—Not less than 75
24 percent of the funds appropriated pursuant to

1 and related fields determined by the Director to be
2 appropriate.

3 (c) OVERSIGHT.—The Director, in consultation with
4 the Board, shall—

5 (1) oversee the implementation of any stand-
6 ards or requirements established under subsection
7 (b); and

8 (2) periodically evaluate and, as necessary, up-
9 date the plan, standards, or requirements estab-
10 lished under subsection (b).

11 **SEC. 603. MEDICAL-LEGAL DEATH EXAMINATION.**

12 (a) RECOMMENDATIONS.—Not later than 3 years
13 after the date of enactment of this Act, the Board shall
14 submit to the Director—

15 (1) a recommended plan to encourage the Fed-
16 eral Government and State and local governments to
17 implement systems to ensure that qualified individ-
18 uals perform medical-legal death examinations and
19 to encourage qualified individuals to enter the field
20 of medical-legal death examination; and

21 (2) recommendations on whether and how the
22 requirements, standards and regulations established
23 under this Act should apply to individuals who per-
24 form medical-legal death examinations.

1 (b) ESTABLISHMENT AND IMPLEMENTATION.—Upon
2 receipt of the recommendations from the Board under sub-
3 section (a), the Director shall establish, in accordance with
4 section 101(e)(4), and implement—

5 (1) a plan to encourage the Federal Govern-
6 ment and State and local governments to implement
7 systems to ensure that qualified individuals perform
8 medical-legal death examinations and to encourage
9 qualified individuals to enter the field of medical-
10 legal death examination; and

11 (2) any specific or additional standards or re-
12 quirements for individuals who perform medical-
13 death examinations determined by the Director to be
14 appropriate.

15 (c) OVERSIGHT.—The Director, in consultation with
16 the Board, shall—

17 (1) oversee the implementation of any stand-
18 ards or requirements established under subsection
19 (b)(2); and

20 (2) periodically evaluate and, as necessary, up-
21 date the plan, standards, and requirements estab-
22 lished under subsection (b).

23 **SEC. 604. INTER-GOVERNMENTAL COORDINATION.**

24 The Board and the Director shall regularly—

1 (1) coordinate with relevant Federal agencies,
2 including the National Science Foundation, the De-
3 partment of Defense, and the National Institutes of
4 Health, as appropriate, to make efficient and appro-
5 priate use of research expertise and funding; and

6 (2) coordinate with the Department of Home-
7 land Security and other relevant Federal agencies to
8 determine ways in which the forensic science dis-
9 ciplines may assist in homeland security and emer-
10 gency preparedness.

11 **SEC. 605. ANONYMOUS REPORTING.**

12 Not later than 3 years after the date of enactment
13 of this Act, the Director shall develop a system for any
14 individual to provide information relating to compliance,
15 or lack of compliance, with the requirements, standards,
16 and regulations established under this Act, which may in-
17 clude a hotline or website that has appropriate guarantees
18 of anonymity and confidentiality and protections for whis-
19 tleblowers.

20 **SEC. 606. INTEROPERABILITY OF DATABASES AND TECH-**
21 **NOLOGIES.**

22 (a) **RECOMMENDATIONS.**—Not later than 3 years
23 after the date of enactment of this Act, the Board shall
24 submit to the Director a recommended plan to require
25 interoperability among databases and technologies in each

1 of the forensic science disciplines among all levels of Gov-
2 ernment, in all States, and with the private sector.

3 (b) ESTABLISHMENT AND IMPLEMENTATION.—Upon
4 receipt of the recommendation from the Board under sub-
5 section (a), the Director shall establish, in accordance with
6 section 101(e)(4), and implement a plan to encourage
7 interoperability among databases and technologies in each
8 of the forensic science disciplines among all levels of Gov-
9 ernment, in all States, and with the private sector.

10 (c) OVERSIGHT.—The Director, in consultation with
11 the Board, shall evaluate and, as necessary, update the
12 plan established under subsection (b).

13 **SEC. 607. CODE OF ETHICS.**

14 (a) RECOMMENDATIONS.—

15 (1) IN GENERAL.—Not later than 3 years after
16 the date of enactment of this Act, the Board shall
17 submit to the Director a recommended code of ethics
18 for the forensic science disciplines.

19 (2) REQUIREMENTS.—In developing a rec-
20 ommended code of ethics under paragraph (1), the
21 Board shall—

22 (A) consult with relevant qualified profes-
23 sional organizations; and

24 (B) consider any recommendations relating
25 to a code of ethics or code of professional re-

1 sponsibility developed by the Subcommittee on
2 Forensic Science of the National Science and
3 Technology Council.

4 (b) ESTABLISHMENT AND INCORPORATION.—Upon
5 receipt of the recommendation from the Board under sub-
6 section (a), the Director shall—

7 (1) in accordance with section 101(e)(4), estab-
8 lish a code of ethics for the forensic science dis-
9 ciplines; and

10 (2) as appropriate, incorporate the code of eth-
11 ics into the standards for accreditation of forensic
12 science laboratories and certification of relevant per-
13 sonnel established under this Act.

14 (c) OVERSIGHT.—The Director, in consultation with
15 the Board, shall periodically evaluate and, as necessary,
16 update the code of ethics established under subsection (b).

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