

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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## **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”.

## 2

- 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 accreditation and certificates of 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 best practices and ensuring consistency, scientific validity,  
26 and accuracy with respect to forensic testing, analysis,

1 identification, and comparisons, the results of which may  
2 be interpreted, presented, or otherwise used during the  
3 course of a criminal investigation or prosecution.

## 4 **TITLE I—STRUCTURE AND** 5 **OVERSIGHT**

### 6 **SEC. 101. OFFICE OF FORENSIC SCIENCE.**

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

10 (b) OFFICERS AND STAFF.—

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

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

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

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

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

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

22 (C) such additional staff detailed from the  
23 National Institute of Standards and Technology  
24 as the Deputy Director, in consultation with the  
25 Director and subject to the approval of the Di-

1           rector of the National Institute of Standards  
2           and Technology, determines appropriate; and

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

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

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

12           (1) the Attorney General shall designate an act-  
13           ing Director; and

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

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

22          (e) DUTIES AND AUTHORITY.—

23           (1) IN GENERAL.—The Office shall—

24           (A) assist the Board in carrying out all the  
25           functions of the Board under this Act and such

1 other related functions as are necessary to per-  
2 form the functions; and

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

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

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

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

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

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

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

24 (F) establish Committees in accordance  
25 with section 103;

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

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

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

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

16           (B) the work of the Committees.

17          (4) CONSIDERATION OF RECOMMENDATIONS.—

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

21           (i) give substantial deference to the  
22           recommendation; and

23           (ii) not later than 90 days after the  
24           date on which the Director receives the  
25           recommendation, determine whether to

1           adopt, modify, or reject the recommenda-  
2           tion.

3           (B) MODIFICATION OR REJECTION.—Not  
4           later than 30 days after the date on which the  
5           Director determines to substantially modify or  
6           reject a recommendation under subparagraph  
7           (A), the Director shall—

8                   (i) provide notice and an explanation  
9                   of the decision to the Committee on the  
10                  Judiciary and the Committee on Com-  
11                  merce, Science, and Transportation of the  
12                  Senate and the Committee on the Judici-  
13                  ary and the Committee on Science and  
14                  Technology of the House of Representa-  
15                  tives; and

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

18           (f) WEBSITE.—The Director shall—

19                   (1) establish a website that is publicly acces-  
20                  sible; and

21                   (2) publish recommendations of the Board and  
22                  all standards, protocols, definitions, and other mate-  
23                  rials established, or amended, by the Director under  
24                  this Act on the website.



1 **SEC. 102. FORENSIC SCIENCE BOARD.**

2 (a) IN GENERAL.—There is established a Forensic  
3 Science Board to serve as an advisory board regarding fo-  
4 rensic science in order to strengthen and promote con-  
5 fidence in the criminal justice system by promoting best  
6 practices and ensuring consistency, scientific validity, and  
7 accuracy with respect to forensic testing, analysis, identi-  
8 fication, and comparisons, the results of which may be in-  
9 terpreted, presented, or otherwise used during the course  
10 of a criminal investigation or prosecution.

11 (b) APPOINTMENT.—

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

14 (A) be appointed by the President not later  
15 than 180 days after the date of enactment of  
16 this Act; and

17 (B) come from professional communities  
18 that have expertise relevant to and significant  
19 interest in the field of forensic science.

20 (2) CONSIDERATION AND CONSULTATION.—In  
21 making an appointment under paragraph (1), the  
22 President shall—

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

25 (B) consider, among other factors, rec-  
26 ommendations from leading scientific organiza-

1 tions and leading professional organizations in  
2 the field of forensic science and other relevant  
3 fields; and

4 (C) consult with the Chairman and Rank-  
5 ing Member of the—

6 (i) Committee on the Judiciary and  
7 the Committee on Commerce, Science, and  
8 Transportation of the Senate; and

9 (ii) the Committee on the Judiciary  
10 and the Committee on Science and Tech-  
11 nology of the House of Representatives.

12 (3) REQUIREMENTS.—The Board shall in-  
13 clude—

14 (A) not fewer than 10 members who have  
15 comprehensive scientific backgrounds, of  
16 which—

17 (i) not fewer than 5 members have ex-  
18 tensive experience or background in sci-  
19 entific research; and

20 (ii) not fewer than 5 members have  
21 extensive experience or background in fo-  
22 rensic science; and

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

1           (4) CATEGORIES.—The categories described in  
2 this paragraph are—

3           (A) judges;

4           (B) Federal Government officials;

5           (C) State and local government officials;

6           (D) prosecutors;

7           (E) law enforcement officers;

8           (F) criminal defense attorneys;

9           (G) organizations that represent people  
10 who may have been wrongly convicted;

11           (H) practitioners in forensic laboratories;

12           and

13           (I) State laboratory directors.

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

17           (6) EX OFFICIO MEMBERS.—The Director and  
18 the Deputy Director shall serve as ex officio and  
19 nonvoting members of the Board.

20           (c) TERMS.—

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

23           (2) EXCEPTION.—Of the members first ap-  
24 pointed to the Board—

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

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

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

7 (3) RENEWABLE TERM.—A member of the  
8 Board may be appointed for not more than a total  
9 of 2 terms, including an initial term described in  
10 paragraph (2).

11 (4) VACANCIES.—

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

15 (B) ADDITIONAL TERM.—A member ap-  
16 pointed under subparagraph (A) may be re-  
17 appointed for 1 additional term.

18 (5) HOLDOVERS.—If a successor has not been  
19 appointed at the conclusion of the term of a member  
20 of the Board, the member of the Board may con-  
21 tinue to serve until—

22 (A) a successor is appointed; or

23 (B) the member of the Board is re-  
24 appointed.

25 (d) RESPONSIBILITIES.—The Board shall—

1           (1) make recommendations to the Director re-  
2 relating to research priorities and needs, accreditation  
3 and certification standards, standards and protocols  
4 for forensic science disciplines, and any other issue  
5 consistent with this Act;

6           (2) monitor and evaluate—

7                 (A) the administration of accreditation,  
8 certification, and research procedures estab-  
9 lished under this Act; and

10                (B) the operation of the Committees;

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

13           (4) perform all other functions of the Board  
14 under this Act and such other related functions as  
15 are necessary to perform the functions of the Board.

16           (e) CONSULTATION.—The Board shall consult as ap-  
17 propriate with the Deputy Attorney General, the Director  
18 of the National Institute of Standards and Technology,  
19 the Director of the National Science Foundation, the Di-  
20 rector of the National Institute of Justice, and senior offi-  
21 cials from other relevant Federal agencies.

22           (f) MEETINGS.—

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

25                 (2) REQUIREMENTS.—

1 (A) NOTICE.—The Board shall provide  
2 public notice of any meeting of the Board a rea-  
3 sonable period in advance of the meeting.

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

6 (C) QUORUM.—A majority of the members  
7 of the Board shall be present for a quorum to  
8 conduct business.

9 (g) VOTES.—

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

13 (2) VOTING PROCEDURES.—

14 (A) RECORDED.—All votes of the Board  
15 shall be recorded.

16 (B) REMOTE AND PROXY VOTING.—If nec-  
17 essary, a member of the Board may cast a  
18 vote—

19 (i) over the phone or through elec-  
20 tronic mail if the vote is scheduled to take  
21 place during a time other than a full meet-  
22 ing of the Board; and

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

1 (h) DEFINITION OF FORENSIC SCIENCE DIS-  
2 CIPLINE.—

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

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

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

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

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

1           (3) EXCLUSION FROM LIST.—If the Board rec-  
2           ommends that a field should not be included on the  
3           list submitted under paragraph (1) because the field  
4           has insufficient scientific basis, the Board shall pub-  
5           lish an explanation of the recommendation, including  
6           publication of the explanation on the website of the  
7           Board.

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

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

16                (A) evaluate—

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

20                   (ii) whether any field on the list of fo-  
21                   rensic science disciplines established under  
22                   paragraph (4) should be modified or re-  
23                   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 such personnel as may be nec-  
8 essary to enable the Board to perform the duties of  
9 the Board.

10 (2) COMPENSATION.—The Board may fix the  
11 compensation of any personnel appointed under  
12 paragraph (1) without regard to the provisions of  
13 chapter 51 and subchapter III of chapter 53 of title  
14 5, United States Code, relating to classification of  
15 positions and General Schedule pay rates.

16 (3) PERSONNEL AS FEDERAL EMPLOYEES.—

17 (A) IN GENERAL.—Any personnel of the  
18 Board who are employees shall be employees  
19 under section 2105 of title 5, United States  
20 Code, for purposes of chapters 63, 81, 83, 84,  
21 85, 87, 89, 89A, 89B, and 90 of that title.

22 (B) MEMBERS OF THE BOARD.—Subpara-  
23 graph (A) shall not be construed to apply to  
24 members of the Board.

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

9           (5) VOLUNTARY SERVICES.—Notwithstanding  
10          section 1342 of title 31, United States Code, the  
11          Board may accept and use voluntary and uncompen-  
12          sated services for the Board as the Board deter-  
13          mines necessary.

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

21          (k) APPLICABILITY OF THE FEDERAL ADVISORY  
22          COMMITTEE ACT.—

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

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

4           (3) COMPENSATION OF MEMBERS.—Members of  
5           the Board shall serve without compensation for serv-  
6           ices performed for the Board.

7           (4) TRAVEL EXPENSES.—The members of the  
8           Board shall be allowed travel expenses, including per  
9           diem in lieu of subsistence, at rates authorized for  
10          employees of agencies under subchapter I of chapter  
11          57 of title 5, United States Code, while away from  
12          their homes or regular places of business in the per-  
13          formance of services for the Board.

14          (5) SPECIAL GOVERNMENT EMPLOYEES.—Mem-  
15          bers of the Board shall be considered special govern-  
16          ment employees.

17          (6) DESIGNATED FEDERAL OFFICER.—In ac-  
18          cordance with the Federal Advisory Committee Act  
19          (5 U.S.C. App.), the Director shall designate a des-  
20          ignated Federal officer and committee management  
21          officer for the Board.

22 **SEC. 103. COMMITTEES.**

23          (a) ESTABLISHMENT AND MAINTENANCE OF COM-  
24          MITTEES.—

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

5           (A) the number of Committees that shall  
6 be established to examine research needs,  
7 standards and best practices, and certification  
8 standards for the forensic science disciplines,  
9 which shall be not fewer than 1;

10          (B) the scope of responsibility for each  
11 Committee recommended to be established,  
12 which shall ensure that each forensic science  
13 discipline is addressed by a Committee;

14          (C) what the relationship should be be-  
15 tween the Committees and any scientific work-  
16 ing group or technical working group that has  
17 a similar scope of responsibility; and

18          (D) whether any Committee should con-  
19 sider any field not recognized as a forensic  
20 science discipline for the purpose of determining  
21 whether there is research that could be con-  
22 ducted and used to form the basis for estab-  
23 lishing the field as a forensic science discipline.

24           (2) ESTABLISHMENT.—After the Director re-  
25 ceives the recommendations of the Board under

1 paragraph (1), the Director, in coordination with the  
2 Deputy Director, shall—

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

5 (i) Committees to examine research  
6 needs, standards, and best practices, and  
7 certification standards for the forensic  
8 science disciplines, which shall be not fewer  
9 than 1; and

10 (ii) a clear scope of responsibility for  
11 each Committee; and

12 (B) publish a list of the Committees and  
13 the scope of responsibility for each Committee  
14 on the website for the Office.

15 (3) ANNUAL EVALUATION.—The Board, on an  
16 annual basis, shall—

17 (A) evaluate—

18 (i) whether any new Committees  
19 should be established;

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

22 (iii) whether any Committee should be  
23 discontinued;

1 (B) submit any recommendations relating  
2 to the evaluation conducted under subpara-  
3 graph (A) to the Director and Deputy Director.

4 (4) UPDATES.—Upon receipt of any rec-  
5 ommendations from the Board under paragraph (3),  
6 the Director shall, in accordance with section  
7 101(e)(4), determine whether to establish, modify  
8 the scope of, or discontinue any Committee.

9 (b) MEMBERSHIP.—

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

11 (A) consist of 9 members, each of whom  
12 shall be a scientist with knowledge relevant to  
13 a forensic science discipline addressed by the  
14 Committee;

15 (B) have not fewer than 5 members who  
16 have extensive experience or background in sci-  
17 entific research;

18 (C) have a number of members who have  
19 extensive experience or background in the fo-  
20 rensic sciences sufficient to ensure that the  
21 Committee has an adequate understanding of  
22 the factors and needs unique to the forensic  
23 sciences; and

1           (D) have a membership that represents a  
2           variety of scientific disciplines, including the fo-  
3           rensic sciences.

4           (2) DEFINITION.—In this subsection, the term  
5           “scientist” includes a statistician with a scientific  
6           background.

7           (c) APPOINTMENT.—

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

11          (2) CONSIDERATION.—In appointing members  
12          to a Committee under paragraph (1), the Deputy  
13          Director shall consider—

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

16                (B) the importance of input from experi-  
17                enced forensic practitioners.

18          (3) VACANCIES.—In the event of a vacancy, the  
19          Deputy Director, in consultation with the Board,  
20          may appoint a member to fill the remainder of the  
21          term.

22          (4) HOLDOVERS.—If a successor has not been  
23          appointed at the conclusion of the term of a member  
24          of the Committee, the member of the Committee  
25          may continue to serve until—

1 (A) a successor is appointed; or

2 (B) the member of the Committee is re-  
3 appointed.

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

6 (e) SUPPORT AND OVERSIGHT.—

7 (1) IN GENERAL.—The National Institute of  
8 Standards and Technology shall provide support and  
9 staff for each Committee as needed.

10 (2) DUTIES AND OVERSIGHT.—The Deputy Di-  
11 rector shall—

12 (A) perform periodic oversight of each  
13 Committee; and

14 (B) report any concerns about the per-  
15 formance or functioning of a Committee to the  
16 Board and the Director.

17 (3) FAILURE TO COMPLY.—If a Committee fails  
18 to produce recommendations within the time periods  
19 required under this Act, the Deputy Director and  
20 the Director of the National Institute of Standards  
21 and Technology shall work with the Committee to  
22 assist the Committee in producing the required rec-  
23 ommendations in a timely manner.

24 (f) DUTIES.—



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

5           (2) COMMITTEE DECISIONS AND RECOMMENDA-  
6 TIONS.—

7           (A) IN GENERAL.—A Committee shall sub-  
8 mit recommendations and all recommended  
9 standards, protocols, or other materials devel-  
10 oped by the Committee to the Board for evalua-  
11 tion.

12           (B) PROHIBITION OF MODIFICATION OF  
13 DECISIONS AND RECOMMENDATIONS.—Any rec-  
14 ommendations of a Committee and any rec-  
15 ommended standards, protocols, or other mate-  
16 rials developed by a Committee may be ap-  
17 proved or disapproved by the Board, but may  
18 not be modified by the Board.

19           (C) APPROVAL OF DECISIONS AND REC-  
20 OMMENDATIONS.—If the Board approves a rec-  
21 ommendation or recommended standard, pro-  
22 tocol, or other material submitted by a Com-  
23 mittee under subparagraph (A), the Board shall  
24 submit the recommendation or recommended  
25 standard, protocol, or other material as a rec-

1           ommendation of the Board, to the Director and  
2           Deputy Director for consideration in accordance  
3           with section 101(e)(4).

4           (D) DISAPPROVAL OF DECISIONS AND REC-  
5           COMMENDATIONS.—If the Board disapproves of  
6           any recommendation of a Committee or rec-  
7           ommended standard, protocol, or other material  
8           developed by a Committee, the Committee shall  
9           submit a revised recommendation, standard,  
10          protocol, or other material.

11       (g) MEETINGS.—

12           (1) IN GENERAL.—A Committee shall hold not  
13           fewer than 4 meetings of the full Committee each  
14           year.

15           (2) REQUIREMENTS.—

16           (A) NOTICE.—A Committee shall provide  
17           public notice of any meeting of the Committee  
18           a reasonable period in advance of the meeting.

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

21           (C) QUORUM.—A majority of members of  
22           a Committee shall be present for a quorum to  
23           conduct business.

24       (h) VOTES.—

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

4           (2) VOTING PROCEDURES.—

5           (A) RECORDED.—All votes taken by a  
6 Committee shall be recorded.

7           (B) REMOTE AND PROXY VOTING.—If nec-  
8 essary, a member of the Committee may cast a  
9 vote—

10                   (i) over the phone or through elec-  
11 tronic mail if the vote is scheduled to take  
12 place during a time other than a full meet-  
13 ing of the Committee; and

14                   (ii) over the phone or by proxy if the  
15 vote is scheduled to take place during a  
16 full meeting of the Committee.

17           (i) APPLICABILITY OF THE FEDERAL ADVISORY  
18 COMMITTEE ACT.—

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

22           (2) COMPENSATION OF MEMBERS.—Members of  
23 a Committee shall serve without compensation for  
24 services performed for the Committee.

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

8 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

9           There are authorized to be appropriated—

10           (1) \$15,000,000 for each of fiscal years 2012  
11           through 2016 for the operation and staffing of the  
12           Office;

13           (2) \$5,000,000 for each of fiscal years 2012  
14           through 2016 for the operation and staffing of the  
15           Board;

16           (3) \$15,000,000 for each of fiscal years 2012  
17           through 2016 for the operation and staffing of the  
18           Committees; and

19           (4) \$5,000,000 for each of fiscal years 2012  
20           through 2016 to the National Institute of Standards  
21           and Technology for the oversight, support, and staff-  
22           ing of the Committees.

1 **TITLE II—ACCREDITATION OF**  
2 **FORENSIC SCIENCE LABORA-**  
3 **TORIES**

4 **SEC. 201. ACCREDITATION OF FORENSIC SCIENCE LABORA-**  
5 **TORIES.**

6 (a) IN GENERAL.—On and after the date established  
7 under subsection (b)(2)(C), a forensic science laboratory  
8 may not receive, directly or indirectly, any Federal funds,  
9 unless the laboratory has obtained a certificate of labora-  
10 tory accreditation from the Office under this section.

11 (b) PROCEDURES FOR ACCREDITATION.—

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

15 (A) recommended procedures for the ac-  
16 creditation of forensic science laboratories—

17 (i) that are consistent with the rec-  
18 ommended standards and criteria devel-  
19 oped by the Board under section 202; and

20 (ii) which shall include—

21 (I) a recommendation to issue  
22 certificates of laboratory accreditation  
23 to forensic science laboratories that  
24 meet the standards and criteria; and

1 (II) procedures to implement, ad-  
2 minister, and coordinate enforcement  
3 of the program for the accreditation  
4 of forensic science laboratories, in-  
5 cluding the granting, denial, revoca-  
6 tion, limitation, or suspension of a  
7 certificate of laboratory accreditation;  
8 and

9 (B) a recommendation regarding the date  
10 by which forensic science laboratories should—

11 (i) begin the process of laboratory ac-  
12 creditation; and

13 (ii) obtain a certificate of laboratory  
14 accreditation to be eligible to receive Fed-  
15 eral funds.

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

20 (A) procedures for the accreditation of a  
21 forensic science laboratory;

22 (B) the date by which a forensic science  
23 laboratory shall begin the process of accredita-  
24 tion; and

1 (C) the date by which a forensic science  
2 laboratory shall obtain a certificate of labora-  
3 tory accreditation to be eligible to receive Fed-  
4 eral funds.

5 (c) DEFINITION.—

6 (1) IN GENERAL.—Not later than 1 year after  
7 the date of enactment of this Act, the Board shall  
8 recommend to the Director a definition of the term  
9 “forensic science laboratory” for purpose of this Act,  
10 which shall include any laboratory that conducts fo-  
11 rensic testing, analysis, identification, or compari-  
12 sons, the results of which may be interpreted, pre-  
13 sented, or otherwise used during the course of a  
14 criminal investigation or prosecution.

15 (2) ESTABLISHMENT.—After the Director re-  
16 ceives the recommendation of the Board under para-  
17 graph (1), the Director shall, in accordance with sec-  
18 tion 101(e)(4), establish a definition for the term  
19 “forensic science laboratory”.

20 (d) APPLICABILITY TO FEDERAL AGENCIES.—A  
21 Federal agency may not use any forensic science labora-  
22 tory during the course of an investigation or prosecution  
23 of a criminal offense unless the forensic science laboratory  
24 meets the standards of accreditation and certification es-  
25 tablished by the Office under this Act.

1 **SEC. 202. STANDARDS FOR ACCREDITATION AND CERTIFI-**  
2 **CATES OF LABORATORY ACCREDITATION.**

3 (a) STANDARDS.—

4 (1) RECOMMENDATIONS.—Not later than 18  
5 months after the date of enactment of this Act, the  
6 Board shall, in consultation with qualified profes-  
7 sional organizations, submit to the Director rec-  
8 ommendations regarding standards for the accredi-  
9 tation of forensic science laboratories to ensure the  
10 quality, integrity, and accuracy of any testing, anal-  
11 ysis, identification, or comparisons performed by a  
12 forensic science laboratory for use in the investiga-  
13 tion or prosecution of a criminal offense.

14 (2) ESTABLISHMENT.—After the Director re-  
15 ceives the recommendations of the Board under  
16 paragraph (1), the Director shall, in accordance with  
17 section 101(e)(4), establish standards for the accred-  
18 itation of forensic science laboratories.

19 (3) REQUIREMENTS.—In recommending or es-  
20 tablishing standards under paragraph (1) or (2) the  
21 Board and the Director shall—

22 (A) consider any relevant accreditation  
23 standards that were in effect before the date of  
24 enactment of this Act; and

25 (B) include—



1 (i) educational and training require-  
2 ments for relevant laboratory personnel;

3 (ii) proficiency and competency test-  
4 ing requirements for relevant laboratory  
5 personnel; and

6 (iii) maintenance and auditing re-  
7 quirements for accredited forensic science  
8 laboratories.

9 (b) REVIEW OF STANDARDS.—

10 (1) IN GENERAL.—Not less frequently than  
11 once every 5 years—

12 (A) the Board shall—

13 (i) review the scope and effectiveness  
14 of the accreditation standards established  
15 under subsection (a);

16 (ii) submit recommendations to the  
17 Director relating to whether, and if so,  
18 how to update the standards as necessary  
19 to—

20 (I) account for developments in  
21 relevant scientific research and tech-  
22 nological advances;

23 (II) promote and encourage ad-  
24 herence to the standards and best

1 practices established under title V;  
2 and

3 (III) address any other issue  
4 identified during the course of the re-  
5 view conducted under clause (i); and

6 (B) the Director shall, as necessary and in  
7 accordance with section 101(e)(4), update the  
8 accreditation standards established under sub-  
9 section (a).

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

16 (A) is open and transparent to the public;  
17 and

18 (B) includes an opportunity for the public  
19 to comment on proposed standards with suffi-  
20 cient prior notice.

21 **SEC. 203. ADMINISTRATION AND ENFORCEMENT OF AC-**  
22 **CREDITATION PROGRAM.**

23 (a) ADMINISTRATION AND ENFORCEMENT OF AC-  
24 CREDITATION PROGRAM.—

1           (1) IN GENERAL.—The Director may grant,  
2 deny, revoke, limit, or suspend a certificate of ac-  
3 creditation of a forensic science laboratory.

4           (2) CONTRACTS.—

5           (A) IN GENERAL.—The Director may con-  
6 tract with 1 or more qualified professional orga-  
7 nizations with sufficient experience and exper-  
8 tise relevant to the accreditation of forensic  
9 science laboratories to administer the accredita-  
10 tion process under section 201.

11           (B) OVERSIGHT.—If the Director contracts  
12 with a qualified professional organization under  
13 subparagraph (A), the Director shall—

14           (i) perform regular and thorough  
15 oversight over the professional organiza-  
16 tion;

17           (ii) periodically review the contract  
18 with the professional organization; and

19           (iii) provide regular reports to the  
20 Board relating to the oversight and review  
21 required under clauses (i) and (ii).

22           (C) FINAL AUTHORITY.—The Director  
23 shall retain final authority to grant, deny, re-  
24 voke, limit, or suspend a certificate of labora-  
25 tory accreditation.

1 (b) REVIEW OF ACCREDITATION DETERMINA-  
2 TIONS.—Not less frequently than once every 5 years, the  
3 Director shall conduct a review of a forensic science lab-  
4 oratory that has been the subject of an accreditation de-  
5 termination under this section to determine whether the  
6 accreditation status of the forensic science laboratory  
7 should be modified.

8 (c) WEBSITE.—The Director shall develop and main-  
9 tain on the website of the Office a current list of those  
10 forensic laboratories for which—

11 (1) a certificate of accreditation has been issued  
12 by the Office;

13 (2) an application for a certificate of accredita-  
14 tion is pending;

15 (3) a certificate of accreditation has been de-  
16 nied by the Office; or

17 (4) a certificate of accreditation has been sus-  
18 pended, limited, or revoked.

## 19 **TITLE III—CERTIFICATION OF** 20 **FORENSIC SCIENCE PERSONNEL**

### 21 **SEC. 301. DEFINITIONS.**

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

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

1           (2) conducts forensic testing, analysis, identi-  
2           fication, or comparisons, the results of which may be  
3           interpreted, presented, or otherwise used during the  
4           course of a criminal investigation or prosecution.

5           (b) RELEVANT PERSONNEL.—

6           (1) RECOMMENDATION.—Not later than 1 year  
7           after the date of enactment of this Act, the Board  
8           shall submit to the Director a recommended defini-  
9           tion of the term “relevant personnel”, which shall  
10          include individuals who—

11           (A) conduct forensic testing, analysis, iden-  
12           tification, or comparisons, the results of which  
13           may be interpreted, presented, or otherwise  
14           used during the course of a criminal investiga-  
15           tion or prosecution; or

16           (B) testify about evidence prepared by an  
17           individual described in paragraph (A).

18          (2) DEFINITION.—After the Director receives  
19          the recommendation of the Board under paragraph  
20          (1), the Director shall, in accordance with section  
21          101(e)(4), define the term “relevant personnel” for  
22          purposes of this title.

1 **SEC. 302. CERTIFICATION OF FORENSIC SCIENCE PER-**  
2 **SONNEL.**

3 Except as provided in section 304(c)(2), on and after  
4 the date established under section 304(c)(1), a forensic  
5 science laboratory or covered entity may not receive, di-  
6 rectly or indirectly, any Federal funds, unless all relevant  
7 personnel of the forensic science laboratory or covered en-  
8 tity are certified under this title.

9 **SEC. 303. STANDARDS FOR CERTIFICATION.**

10 (a) RECOMMENDED STANDARDS.—

11 (1) IN GENERAL.—Not later than 18 months  
12 after the date on which all members of a Committee  
13 have been appointed, the Committee shall make rec-  
14 ommendations to the Board relating to standards  
15 for the certification of relevant personnel in each fo-  
16 rensic science discipline addressed by the Committee.

17 (2) REQUIREMENTS.—In developing rec-  
18 ommended standards under paragraph (1), a Com-  
19 mittee shall—

20 (A) consult with qualified professional or-  
21 ganizations;

22 (B) consider relevant certification stand-  
23 ards and best practices developed by qualified  
24 professional or scientific organizations;

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

1 (D) consider—

2 (i) whether certain minimum stand-  
3 ards should be established for the edu-  
4 cation and training of relevant personnel;  
5 and

6 (ii) whether there should be a process  
7 to enable relevant personnel who were  
8 hired before the date established under  
9 section 304(c)(1), to obtain certifications,  
10 including—

11 (I) testing that demonstrates  
12 proficiency in a specific forensic  
13 science discipline that is equal to or  
14 greater than the level of proficiency  
15 required by the standards for certifi-  
16 cation; and

17 (II) a waiver of certain edu-  
18 cational and training requirements.

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

23 (c) ESTABLISHMENT OF STANDARDS.—After the Di-  
24 rector receives recommendations from the Board under  
25 subsection (b), the Director shall, in accordance with sec-

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

3 (d) REVIEW OF STANDARDS.—

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

6 (A) review the standards for certification  
7 established under subsection (c) for each foren-  
8 sic science discipline within the responsibility of  
9 the Committee; and

10 (B) submit to the Board recommendations  
11 regarding updates, if any, to the standards for  
12 certification as necessary—

13 (i) to account for developments in rel-  
14 evant scientific research, technological ad-  
15 vances, or changes in the law; and

16 (ii) to promote and encourage adher-  
17 ence to the uniform standards and best  
18 practices established under title V.

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

23 (A) consider the recommendations; and



1 (B) submit to the Director recommenda-  
2 tions of uniform standards and best practices  
3 for each forensic science discipline.

4 (3) UPDATES.—After the Director receives rec-  
5 ommendations from the Board under paragraph (2),  
6 the Director shall, in accordance with section  
7 101(e)(4), update the standards for certification of  
8 relevant personnel.

9 (e) PUBLIC COMMENT.—The Director, in consulta-  
10 tion with the Board, shall establish procedures to ensure  
11 that the process for establishing, reviewing, and updating  
12 standards for certification of relevant personnel under this  
13 section—

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.

18 **SEC. 304. ADMINISTRATION AND REVIEW OF CERTIFI-**  
19 **CATION PROGRAM.**

20 (a) ADMINISTRATION OF PROGRAM.—

21 (1) IN GENERAL.—The Director shall admin-  
22 ister the certification program established under this  
23 title.

24 (2) DETERMINATION.—The Director shall de-  
25 termine whether a forensic science laboratory or cov-

1       ered entity is in compliance with the certification re-  
2       quirements under section 301.

3           (3) PROCEDURES.—Not later than 1 year after  
4       the date of enactment of this Act, the Director shall  
5       establish policies and procedures to implement, ad-  
6       minister, and coordinate enforcement of the certifi-  
7       cation requirements established under this title, in-  
8       cluding requiring the periodic recertification of rel-  
9       evant personnel.

10       (b) CONTRACTS.—

11           (1) IN GENERAL.—After consultation with the  
12       Board, the Director may contract with 1 or more  
13       qualified professional organizations that have suffi-  
14       cient experience and expertise relevant to the certifi-  
15       cation of individuals in a particular forensic science  
16       discipline to administer the certification program es-  
17       tablished under this title for the forensic science dis-  
18       cipline.

19           (2) OVERSIGHT.—If the Director contracts with  
20       a qualified professional organization under para-  
21       graph (1), the Director shall—

22           (A) perform regular and thorough over-  
23       sight of the qualified professional organization;

24           (B) periodically review the contract with  
25       the qualified professional organization; and

1 (C) provide regular reports to the Board  
2 relating to the oversight and review required  
3 under subparagraphs (A) and (B).

4 (c) IMPLEMENTATION OF CERTIFICATION REQUIRE-  
5 MENTS.—

6 (1) IN GENERAL.—After consultation with the  
7 Board, the Director shall establish the date on which  
8 forensic science laboratories and covered entities  
9 shall be in compliance with the certification require-  
10 ments of this title.

11 (2) GRADUAL IMPLEMENTATION.—The Director  
12 shall, in consultation with the Board and each Com-  
13 mittee, establish policies and procedures to enable  
14 the gradual implementation of the certification re-  
15 quirements that—

16 (A) include a reasonable schedule to allow  
17 relevant personnel to obtain certifications; and

18 (B) allow for partial compliance with the  
19 requirements of section 301(a) for a reasonable  
20 period of time after the date established under  
21 paragraph (1).

22 (d) REVIEW OF CERTIFICATION REQUIREMENTS.—  
23 The Director shall establish policies and procedures for  
24 the periodic review of the implementation, administration,

1 and enforcement of the certification requirements estab-  
2 lished under this title.

3 (e) REVIEW OF CERTIFICATION DETERMINATIONS.—

4 (1) IN GENERAL.—The Director shall establish  
5 policies and procedures for the review of certification  
6 determinations, including a process for appealing  
7 certification determinations, including the denial,  
8 suspension, or revocation of certification.

9 (2) CONTRACTS.—

10 (A) IN GENERAL.—After consultation with  
11 the Board, the Director may contract with 1 or  
12 more qualified professional organizations to ad-  
13 minister the review process established under  
14 paragraph (1).

15 (B) OVERSIGHT.—If the Director contracts  
16 with a qualified professional organization under  
17 paragraph (1), the Director shall—

18 (i) perform regular and thorough  
19 oversight over the professional organiza-  
20 tion;

21 (ii) periodically review the contract  
22 with the professional organization; and

23 (iii) provide regular reports to the  
24 Board relating to the oversight and reviews  
25 required under clauses (i) and (ii).

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

2 (a) IN GENERAL.—The Director of the National In-  
3 stitute of Justice, in consultation with the Director, may  
4 make grants and provide technical assistance to forensic  
5 science laboratories and other entities subject to the re-  
6 quirements under this title and title II to ensure that fo-  
7 rensic science laboratories and covered entities are able to  
8 effectively fulfill the responsibilities of the laboratories or  
9 entities during the process of—

10 (1) seeking accreditation under title II; and

11 (2) obtaining certifications for relevant per-  
12 sonnel under this title.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There is authorized to be  
15 appropriated \$10,000,000 for each of fiscal years  
16 2012 through 2016 to the National Institute of Jus-  
17 tice for the grant program and technical assistance  
18 described in subsection (a).

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

22 **TITLE IV—RESEARCH**

23 **SEC. 401. RESEARCH STRATEGY AND PRIORITIES.**

24 (a) COMPREHENSIVE RESEARCH STRATEGY AND  
25 AGENDA.—

1           (1) RECOMMENDATION.—Not later than 18  
2 months after the date of enactment of this Act, the  
3 Board shall recommend to the Director a com-  
4 prehensive strategy for fostering and improving  
5 peer-reviewed scientific research relating to the fo-  
6 rensic science disciplines, including research address-  
7 ing issues of accuracy, reliability, and validity in the  
8 forensic science disciplines.

9           (2) ESTABLISHMENT.—After the Director re-  
10 ceives recommendations from the Board under para-  
11 graph (1), the Director shall, in accordance with sec-  
12 tion 101(e)(4), establish a comprehensive strategy  
13 for fostering and improving peer-reviewed scientific  
14 research relating to the forensic science disciplines.

15           (3) REVIEW.—

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

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

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

22           (B) UPDATES.—After the Director receives  
23 recommendations from the Board under sub-  
24 paragraph (A), the Director shall, in accordance

1 with section 101(e)(4), update the comprehen-  
2 sive strategy as necessary and appropriate.

3 (b) RESEARCH FUNDING PRIORITIES.—

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

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

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

15 (A) review—

16 (i) the list of priorities established  
17 under paragraph (2); and

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

20 (B) recommend any necessary updates to  
21 the list of priorities, incorporating, as appro-  
22 priate, the findings of the Committees under  
23 subsection (c).

24 (4) UPDATES.—After the Director receives the  
25 recommendations under paragraph (3), the Director

1 shall, in accordance with section 101(e)(4), update  
2 as necessary the list of research funding priorities.

3 (c) EVALUATION OF RESEARCH NEEDS.—Not later  
4 than 2 years after the date on which all members of a  
5 Committee have been appointed, and periodically there-  
6 after, the Committee shall—

7 (1) examine and evaluate the scientific research  
8 in each forensic science discipline within the respon-  
9 sibility of the Committee;

10 (2) conduct comprehensive surveys of scientific  
11 research relating to each forensic science discipline  
12 within the responsibility of the Committee;

13 (3) examine the research needs in each forensic  
14 science discipline within the responsibility of the  
15 Committee and identify key areas in which further  
16 scientific research is needed; and

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

19 (d) CONSIDERATION.—In developing the initial re-  
20 search strategy, research priorities, and surveys required  
21 under this section, the Board and the Director shall con-  
22 sider any findings, surveys, and analyses relating to re-  
23 search in forensic science disciplines, including those made  
24 by the Subcommittee on Forensic Science of the National  
25 Science and Technology Council.



1 **SEC. 402. RESEARCH GRANTS.**

2 (a) COMPETITIVE GRANTS.—

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

5 (A) a nonprofit academic or research insti-  
6 tution; and

7 (B) any other entity designated by the Di-  
8 rector of the National Institute of Standards  
9 and Technology.

10 (2) PEER-REVIEW RESEARCH GRANTS.—

11 (A) IN GENERAL.—The Director of the  
12 National Institute of Standards and Technology  
13 may, on a competitive basis, make grants to eli-  
14 gible entities to conduct peer-reviewed research.

15 (B) CONSIDERATION.—In making grants  
16 under this paragraph, the Director of the Na-  
17 tional Institute of Standards and Technology  
18 shall—

19 (i) ensure that grants made under  
20 this paragraph are for peer-reviewed re-  
21 search in areas that are consistent with the  
22 research priorities established by the Di-  
23 rector under section 401(b); and

24 (ii) take into consideration the re-  
25 search needs identified by the Committees  
26 under section 401(c).



1 (b) REPORT.—

2 (1) IN GENERAL.—The Director of the National  
3 Institute of Standards and Technology shall, on an  
4 annual basis, submit to the Board and the Director  
5 a report that describes—

6 (A) the application process for grants  
7 under this section;

8 (B) each grant made under this section in  
9 the fiscal year before the report is submitted;  
10 and

11 (C) as appropriate, the status and results  
12 of grants previously described in a report sub-  
13 mitted under this subsection.

14 (2) EVALUATION.—The Board and the Director  
15 shall evaluate each report submitted under para-  
16 graph (1) and consider the information provided in  
17 each report in reviewing the research strategy and  
18 priorities established under section 401.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated—

21 (1) \$75,000,000 to the National Institute of  
22 Standards and Technology for each of fiscal years  
23 2012 through 2016 for grants under subsection  
24 (a)(2); and

1           (2) \$15,000,000 to the National Institute of  
2           Standards and Technology for each of fiscal years  
3           2012 through 2016 for grants under subsection  
4           (a)(3).

5 **SEC. 403. OVERSIGHT AND REVIEW.**

6           (a) **REPORTS.**—Not later than 3 years after the date  
7           on which the first grant is awarded under paragraph (2)  
8           or (3) of section 402(a), and not later than 2 years after  
9           the date on which the first report under this subsection  
10          is submitted, the Inspector General of the Department of  
11          Justice, in coordination with the Inspector General of the  
12          Department of Commerce, shall submit to Congress a re-  
13          port on the progress and effectiveness of the grant pro-  
14          grams described in section 402(a).

15          (b) **REQUIREMENTS.**—Each report submitted under  
16          this section shall evaluate—

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

20               (2) whether there was any unnecessary duplica-  
21               tion, waste, fraud, or abuse in the grant-making  
22               process.

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

24           (a) **RECOMMENDATION.**—Not later than 3 years after  
25          the date of enactment of this Act, the Board shall submit

1 to the Director a recommended plan for encouraging col-  
2 laboration among universities, nonprofit research institu-  
3 tions, State and local forensic science laboratories, private  
4 forensic science laboratories, private corporations, and the  
5 Federal Government to develop and perform cost-effective  
6 and reliable research in the forensic sciences, consistent  
7 with the research priorities established under section  
8 401(b)(2).

9 (b) REQUIREMENTS.—The plan recommended under  
10 subsection (a) shall include—

11 (1) incentives for nongovernmental entities to  
12 invest significant resources into conducting nec-  
13 essary research in the forensic sciences;

14 (2) procedures for ensuring the research de-  
15 scribed in paragraph (1) will be conducted with suf-  
16 ficient scientific rigor that the research can be relied  
17 upon by—

18 (A) the Committees in developing stand-  
19 ards under this Act; and

20 (B) forensic science personnel; and

21 (3) clearly defined requirements for disclosure  
22 of the sources of funding by nongovernmental enti-  
23 ties for forensic science research conducted in col-  
24 laboration with governmental entities and safeguards

1 to prevent conflicts of interest or undue bias or in-  
2 fluence.

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

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

17 **TITLE V—STANDARDS AND BEST**  
18 **PRACTICES**

19 **SEC. 501. DEVELOPMENT OF STANDARDS AND BEST PRAC-**  
20 **TICES.**

21 (a) COMMITTEE RECOMMENDATIONS.—

22 (1) IN GENERAL.—Not later than 18 months  
23 after the date on which all members of a Committee  
24 have been appointed, the Committee shall develop  
25 and recommend to the Board uniform standards and

1 best practices for each forensic science discipline ad-  
2 dressed by the Committee, including—

3 (A) standard protocols;

4 (B) quality assurance standards; and

5 (C) standard terminology for use in report-  
6 ing, including reports of identifications, anal-  
7 yses, or comparisons of forensic evidence that  
8 may be used during a criminal investigation or  
9 prosecution.

10 (2) REQUIREMENTS.—In developing the uni-  
11 form standards and best practices under paragraph  
12 (1), a Committee shall—

13 (A) as appropriate, consult with qualified  
14 professional organizations; and

15 (B) develop uniform standards and best  
16 practices that are designed to ensure the qual-  
17 ity and scientific integrity of data, results, con-  
18 clusions, analyses, and reports that are gen-  
19 erated for use in the criminal justice system.

20 (b) BOARD RECOMMENDATIONS.—Not later than  
21 180 days after the date on which a Committee submits  
22 recommended uniform standards and best practices under  
23 subsection (a), the Board shall, in accordance with section  
24 103(f)(2)—

25 (1) consider the recommendations; and

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

3 **SEC. 502. ESTABLISHMENT AND DISSEMINATION OF STAND-**  
4 **ARDS AND BEST PRACTICES.**

5           (a) IN GENERAL.—After the Board submits uniform  
6 standards or best practices for a forensic science discipline  
7 under section 501(b), the Director shall, in accordance  
8 with section 101(e)(4), establish and disseminate uniform  
9 standards and best practices for the forensic science dis-  
10 cipline.

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

14 **SEC. 503. REVIEW AND OVERSIGHT.**

15           (a) REVIEW BY COMMITTEES.—

16           (1) IN GENERAL.—Not less frequently than  
17 once every 3 years, each Committee shall review and,  
18 as necessary, recommend to the Board updates to  
19 the uniform standards and best practices established  
20 under section 502 for each forensic science discipline  
21 within the responsibility of the Committee.

22           (2) CONSIDERATIONS.—In reviewing, and devel-  
23 oping recommended updates to, the uniform stand-  
24 ards and best practices under paragraph (1), a Com-  
25 mittee shall consider—



1 (A) input from qualified professional orga-  
2 nizations;

3 (B) research published after the date on  
4 which the uniform standards and best practices  
5 were established, including research conducted  
6 under title IV; and

7 (C) any changes to relevant law made after  
8 the date on which the uniform standards and  
9 best practices were established.

10 (b) BOARD RECOMMENDATIONS.—Not later than  
11 180 days after the date on which a Committee submits  
12 recommended updates to the uniform standards and best  
13 practices under subsection (a), the Board shall, in accord-  
14 ance with section 103(f)(2)—

15 (1) consider the recommendations; and

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

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

24 (d) PROCEDURES.—The Director, in consultation  
25 with the Board, shall establish procedures to ensure that

1 the process for developing, reviewing, and updating the  
2 uniform standards and best practices is open and trans-  
3 parent to the public.

4 **TITLE VI—ADDITIONAL RESPON-**  
5 **SIBILITIES OF THE OFFICE**  
6 **OF FORENSIC SCIENCE AND**  
7 **THE FORENSIC SCIENCE**  
8 **BOARD**

9 **SEC. 601. FORENSIC SCIENCE TRAINING AND EDUCATION**  
10 **FOR JUDGES, ATTORNEYS, AND LAW EN-**  
11 **FORCEMENT PERSONNEL.**

12 (a) IN GENERAL.—

13 (1) RECOMMENDATION.—Not later than 3  
14 years after the date of enactment of this Act, the  
15 Board shall submit to the Director a recommended  
16 plan for encouraging the education and training of  
17 judges, attorneys, and law enforcement personnel in  
18 forensic science and fundamental scientific prin-  
19 ciples, which shall include education on the com-  
20 petent use and evaluation of forensic science evi-  
21 dence.

22 (2) ESTABLISHMENT.—Upon receipt of the rec-  
23 ommendation from the Board under paragraph (1),  
24 the Director shall establish, in accordance with sec-  
25 tion 101(e)(4), and implement a plan for encour-

1 aging the education and training of judges, attor-  
2 neys, and law enforcement personnel in forensic  
3 science and fundamental scientific principles, which  
4 shall include education on the competent use and  
5 evaluation of forensic science evidence.

6 (3) OVERSIGHT.—The Director, in consultation  
7 with the Board, shall periodically evaluate and, as  
8 necessary, update the plan established under para-  
9 graph (2).

10 (b) GRANT PROGRAM.—

11 (1) IN GENERAL.—The Director of the National  
12 Institute of Justice may—

13 (A) provide technical assistance directly or  
14 indirectly to judges, attorneys, and law enforce-  
15 ment personnel in forensic science and funda-  
16 mental scientific principles, including the com-  
17 petent use and evaluation of forensic science  
18 evidence; and

19 (B) make grants to States and units of  
20 local government and nonprofit organizations or  
21 institutions to provide training to judges, attor-  
22 neys, and law enforcement personnel about fo-  
23 rensic science and fundamental scientific prin-  
24 ciples, including the competent use and evalua-  
25 tion of forensic science evidence.

1           (2) REQUIREMENT.—On and after the date on  
2           which the Director establishes the plan for encour-  
3           aging the education and training of judges, attor-  
4           neys, and law enforcement personnel in forensic  
5           science and fundamental scientific principles under  
6           subsection (a)(2), the Director of the National Insti-  
7           tute of Justice shall administer the grant program  
8           described in paragraph (1) in accordance with the  
9           plan.

10           (3) AUTHORIZATION OF APPROPRIATIONS.—

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

16           (B) REQUIREMENT.—Not less than 75  
17           percent of the funds appropriated pursuant to  
18           this paragraph shall be used for grants under  
19           this subsection.

20 **SEC. 602. EDUCATIONAL PROGRAMS IN THE FORENSIC**  
21 **SCIENCES.**

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—

1           (1) a recommended plan for encouraging the  
2           development of educational programs in the forensic  
3           science disciplines and related fields; and

4           (2) recommendations on whether the develop-  
5           ment of standards or requirements for educational  
6           programs in the forensic science disciplines and re-  
7           lated fields is appropriate.

8           (b) ESTABLISHMENT AND IMPLEMENTATION.—Upon  
9           receipt of the recommendation from the Board under sub-  
10          section (a), the Director shall establish, in accordance with  
11          section 101(e)(4), and implement—

12           (1) a plan for encouraging the development of  
13           educational programs in the forensic science dis-  
14           ciplines and related fields; and

15           (2) any standards or requirements for edu-  
16           cation programs in the forensic science disciplines  
17           and related fields determined by the Director to be  
18           appropriate.

19          (c) OVERSIGHT.—The Director, in consultation with  
20          the Board, shall—

21           (1) oversee the implementation of any stand-  
22           ards or requirements established under subsection  
23           (b); and

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

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

5           (a) **RECOMMENDATIONS.**—Not later than 3 years  
6 after the date of enactment of this Act, the Board shall  
7 submit to the Director—

8           (1) a recommended plan to encourage the Fed-  
9           eral Government and State and local governments to  
10          implement systems to ensure that qualified individ-  
11          uals perform medical-legal death examinations and  
12          to encourage qualified individuals to enter the field  
13          of medical-legal death examination; and

14          (2) recommendations on whether and how the  
15          requirements, standards and regulations established  
16          under this Act should apply to individuals who per-  
17          form medical-legal death examinations.

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

22          (1) a plan to encourage the Federal Govern-  
23          ment and State and local governments to implement  
24          systems to ensure that qualified individuals perform  
25          medical-legal death examinations and to encourage

1 qualified individuals to enter the field of medical-  
2 legal death examination; and

3 (2) any specific or additional standards or re-  
4 quirements for individuals who perform medical-  
5 death examinations determined by the Director to be  
6 appropriate.

7 (c) OVERSIGHT.—The Director, in consultation with  
8 the Board, shall—

9 (1) oversee the implementation of any stand-  
10 ards or requirements established under subsection  
11 (b)(2); and

12 (2) periodically evaluate and, as necessary, up-  
13 date the plan, standards, and requirements estab-  
14 lished under subsection (b).

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

16 The Board and the Director shall regularly—

17 (1) coordinate with relevant Federal agencies,  
18 including the National Science Foundation, the De-  
19 partment of Defense, and the National Institute of  
20 Health, as appropriate, to make efficient and appro-  
21 priate use of research expertise and funding; and

22 (2) coordinate with the Department of Home-  
23 land Security and other relevant Federal agencies to  
24 determine ways in which the forensic science dis-  
25 ciplines may assist in emergency preparedness.

1 **SEC. 605. ANONYMOUS REPORTING.**

2 Not later than 3 years after the date of enactment  
3 of this Act, the Director shall develop a system for any  
4 individual to provide information relating to compliance,  
5 or lack of compliance, with the requirements, standards,  
6 and regulations established under this Act, which may in-  
7 clude a hotline or website that has appropriate guarantees  
8 of anonymity and confidentiality and protections for whis-  
9 tleblowers.

10 **SEC. 606. INTEROPERABILITY OF DATABASES AND TECH-**  
11 **NOLOGIES.**

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 a recommended plan to encourage  
15 interoperability among databases and technologies in each  
16 of the forensic science disciplines among all levels of Gov-  
17 ernment, in all States, and with the private sector

18 (b) **ESTABLISHMENT AND IMPLEMENTATION.**—Upon  
19 receipt of the recommendation from the Board under sub-  
20 section (a), the Director shall establish, in accordance with  
21 section 101(e)(4), and implement a plan to encourage  
22 interoperability among databases and technologies in each  
23 of the forensic science disciplines among all levels of Gov-  
24 ernment, in all States, and with the private sector.



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

4 **SEC. 607. CODE OF ETHICS.**

5 (a) RECOMMENDATIONS.—

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

10 (2) REQUIREMENTS.—In developing a rec-  
11 ommended code of ethics under paragraph (1), the  
12 Board shall—

13 (A) consult with relevant qualified profes-  
14 sional organizations; and

15 (B) consider any recommendations relating  
16 to a code of ethics or code of professional re-  
17 sponsibility developed by the Subcommittee on  
18 Forensic Science of the National Science and  
19 Technology Council.

20 (b) ESTABLISHMENT AND INCORPORATION.—Upon  
21 receipt of the recommendation from the Board under sub-  
22 section (a), the Director shall—

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

1           (2) as appropriate, incorporate the code of eth-  
2           ics into the standards for accreditation and certifi-  
3           cation of forensic science laboratories and certifi-  
4           cation of relevant personnel established under this  
5           Act.

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