

**ESTABLISHMENT OF AN OFFICE OF FORENSIC
SCIENCES AND A FORENSIC SCIENCE BOARD WITHIN
THE DEPARTMENT OF JUSTICE**

I. DEFINITIONS.

FORENSIC SCIENCE SERVICE PROVIDER—A forensic science agency or forensic science practitioner providing forensic science services.

FORENSIC SCIENCE AGENCY—An organization in the public or private sector that employs forensic science practitioners and issues reports prepared by forensic science practitioners.

FORENSIC SCIENCE PRACTITIONER—An individual who (1) applies scientific or technical practices to the recognition, collection, analysis, or interpretation of evidence for criminal and civil law or regulatory issues, and (2) issues test results, provides reports, or provides interpretations, conclusions, or opinions through testimony with respect to such evidence.

II. OFFICE OF FORENSIC SCIENCE.

- (a) IN GENERAL—There is established within the Department of Justice, Office of Justice Programs (OJP), an Office of Forensic Science (OFS), headed by a Director, appointed by the President, who shall report to Attorney General through the Assistant Attorney General for OJP.

There shall be transferred to the Office of Forensic Science the personnel, including contractors and interns, assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, and the functions, powers, and duties of:

- (1) the Office of Investigative Forensic Sciences within the National Institute of Justice;
- (2) the forensic components of the Drugs and Crime program in the Office of Research and Evaluation within the National Institute of Justice;
- (3) the digital evidence component of the Office of Science and Technology within the National Institute of Justice;
- (4) the Wrongful Conviction Review Program within the Bureau of Justice Assistance; and
- (5) the National Sexual Assault Kit Initiative (SAKI) within the Bureau of Justice Assistance.

CFSO 3/6/17 Revision

The Office of Forensic Science is designated as a law enforcement agency for purposes of accessing and searching federal law enforcement databases and shall have assigned to it an Originating Agency Identification (ORI) Number to facilitate the sharing of information between the Office and other law enforcement agencies.

(b) MISSION -- The mission of the Office of Forensic Science is to strengthen and promote the use of forensic science within the judicial system by supporting forensic science service providers, as they continually improve the validity, quality, and practice of forensic science through innovative solutions that focus on research and development, testing and evaluation, technology, information exchange, training and capacity building for the forensic infrastructure.

(c) OFFICERS AND STAFF —

(1) IN GENERAL—The Office shall include—

(A) a Director

(i) The Director shall have at least a Master of Science degree. The Director shall also have 10 years' experience in one or more accredited, public, forensic science agencies, including at least 5 years performing as a forensic science practitioner, and at least five years as a director or senior manager.

(ii) The Director shall not engage in any other employment than that of serving as Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the OFS makes any contract or other arrangement under this chapter.

(B) a Deputy Director, who shall be recommended by the Director of the OFS and appointed by the Assistant Attorney General for OJP.

(i) the Deputy Director shall have at least a Bachelor of Science degree. The Deputy Director shall also have 10 years' experience in one or more accredited, public, forensic science agencies, including at least 5 years performing as a forensic science practitioner, and at least five years as a director or senior manager.

(ii) The Deputy Director shall not engage in any other employment than that of serving as Deputy Director, nor shall the Deputy Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the OFS makes any contract or other arrangement under this chapter.

(C) the full time equivalent staff positions, detailed positions and contractors from the offices, programs and initiatives named in II.(a)(1) through (a)(5) of this Act; and

CFSO 3/6/17 Revision

(D) such additional full time equivalent staff as the Assistant Attorney General for OJP, in consultation with the Director and Deputy Director of OFS, determines appropriate;

(E) the OFS may also include employees of the National Institute of Standards and Technology (NIST), the National Science Foundation (NSF), and Centers for Disease Control and Prevention (CDC) detailed to the Office of Forensic Science on a reimbursable basis.

(f) DEADLINE—Not later than 180 days after the date of enactment of this Act the transition to the OFS of the offices, programs and initiatives named in II.(a)(1) through (a)(5) and the initial appointments, selections, and detailing under paragraph II.(c) shall be completed.

(g) VACANCY—In the event of a vacancy in the position of Director—
(1) the Deputy Director shall be the acting Director until a Director is appointed.

(h) LIAISON— If no detailed positions are filled under paragraph II.(c)(1)(E) above, the Directors of the National Science Foundation (NSF), the National Institute of Standards and Technology (NIST), and Centers for Disease Control and Prevention (CDC) in consultation with the Director and the Deputy Director of OFS, shall designate a liaison at their respective agencies to facilitate communication between the OFS, NSF, NIST and CDC respectively.

(i) INDEPENDENCE –

(1) The Director shall have final authority over all grants, cooperative agreements, and contracts awarded by the Office of Forensic Science.

(2) Activities covered by the Office of Forensic Science shall be shielded from inappropriate political and other external or internal influences, and no Department employee, contractor, or detailee shall inappropriately suppress or alter scientific, technological or research findings or condone such activities. All other provisions of the U.S. Department of Justice Scientific and Research Integrity Policy (July 29, 2013) shall apply.

(j) DUTIES AND AUTHORITY—

(1) IN GENERAL —The Office shall

(A) have all those authorities relating to forensic science as those authorities prescribed for the National Institute of Justice in 42 U.S.C. § 3722(c);

(B) advise the Attorney General, Deputy Attorney General, and Assistant Attorney General for OJP on forensic science issues;

(C) provide assistance to the Deputy Attorney General to facilitate forensic science initiatives;

- (D) provide oversight of the Department of Justice’s Forensic Science Discipline Reviews and Uniform Language for Testimony and Reports;
- (E) coordinate the federal forensic science research agenda among all departments and agencies of the federal government;
- (F) assume and execute the responsibilities of the former offices, programs and initiatives designated in II.(a)(1) through (a)(2) of this Act, including the awarding of grants;
- (G) assist the Forensic Science Board in carrying out all the functions of the Board under this Act and such other related functions as are necessary to perform the functions; and
- (H) evaluate the recommendations of the Board and take appropriate action.

(2) SPECIFIC RESPONSIBILITIES —The Director, in consultation with the Deputy Director, shall—

- (A) work to ensure that appropriate accreditation, certification, standards, methods, best practices and organizations exist for forensic disciplines.
- (B) work to secure funding and resources are available to assist forensic science service providers and forensic science practitioners in meeting national and international forensic science standards, methods, best practices, and certification and accreditation requirements;
- (C) coordinate with and facilitate distribution and implementation of the work products of the National Institute of Standards and Technology's Organization of Scientific Area Committees (OSAC);
- (D) encourage and support accreditation of all federal, state, local, and tribal forensic science service providers, and certification of forensic science service practitioners and technicians through federal funding of initial and ongoing efforts;
- (E) generate annual reports by July 1 of each year on the status of federal forensic science research within the government for distribution to the Attorney General, the Senate Judiciary and Commerce, Science, and Transportation Committees, the House Judiciary and Science, Space, and Technology Committees, the National Science Foundation, and the National Institute of Standards and Technology.
- (F) administer grant programs appropriate to the mission of the Office, to include grant programs for forensic science capacity building, forensic science research, and medicolegal death investigation;
- (G) generate annual reports by July 1 of each year on the status and needs of the forensic science community, including medicolegal death investigators, medical examiners and coroners, and forensic nurses for distribution to the Attorney General, the Senate Judiciary and Commerce, Science, and Transportation Committees, the House Judiciary and Science, Space, and Technology Committees, the National Science Foundation, and the National Institute of Standards and Technology.
- (H) act as a spokesperson on behalf of the OFS before the Administration, Congress, and other stakeholder entities;

- (I) perform all other functions for the Office under this Act and such other related functions as are necessary to perform the functions of the Office described in this Act;
- (J) interface and liaison with non-federal, public and private forensic science service providers;
- (K) coordinate with components of the Department of Justice to create and disseminate forensic science primers for federal, state, county, local and Tribal prosecutors;
- (L) provide assistance for forensic science training within the Department of Justice and state, county, local, and tribal forensic science service providers;
- (M) provide and maintain sections of USABook and U.S. Attorneys' Manual pertaining to forensic science;
- (N) fund and host Working Groups to assist the Board in identifying and assessing forensic science technical and operational requirements, and solutions to forensic science practitioner needs;
- (O) establish and maintain a repository for current and past forensic science research and related materials that have been collected and cataloged to be made available to all interested parties; and
- (P) establish and maintain a public website for dissemination of information.

(3) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR -- The director shall--

- (A) coordinate and collaborate among other federal agencies related to forensic science policy including the Council of Federal Forensic Laboratory Directors;
- (B) collaborate among the various private forensic science organizations and associations on policy, and the status and needs of the forensic science community;
- (C) interface between the Department of Justice and the Forensic Science Board regarding recommendations and reports.

- (k) BUDGET – there shall be authorized a budget for operations, grants and other initiatives for the OFS which shall include funding in excess of the funding appropriated in the most recent fiscal year for the offices, programs and initiatives designated in II.(a)(1) through (a)(5) of this Act for purposes of staffing, administering and operating the OFS and the Forensic Science Board.

III. FORENSIC SCIENCE BOARD

- (a) IN GENERAL -- There is established a Forensic Science Board to serve as an advisory board to the OFS regarding the needs of the forensic science community that will help promote the use of standards and best practices and ensuring consistency, scientific validity, and accuracy with respect to medicolegal death investigations, evidence collection, forensic testing, analysis, identification, and comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a forensic investigation or judicial proceeding.

(b) COMPOSITION – The Deputy Attorney General, in consultation with the Assistant Attorney General for OJP and the Director of OFS, shall appoint members to the Forensic Science Board, which shall consist of ten representatives of the forensic science community and two non-voting ex-officio members, as follows:

(1) six members shall have at least a bachelor of science degree, with experience as a director or senior manager of an accredited, public, forensic science agency, and have as a forensic science practitioner a primary area of expertise in at least one of the following disciplines:

- Toxicology
- DNA
- Drug Chemistry
- Fire Evidence
- Impression Evidence
- Trace Evidence
- Firearms/Toolmarks Evidence
- Crime Scene Investigation
- Digital Evidence
- Forensic Document Examination

Each the six forensic science practitioners shall have a primary area of expertise different than that of the other five practitioners on the Forensic Science board.

(2) one member shall be a board certified forensic pathologist working as a medical examiner or coroner;

(3) one member shall be a statistician with experience working as a forensic science practitioner, working in a forensic science agency, or a former or current appointee to OSAC;

(4) one member shall be a representative of the Council of Federal Forensic Laboratory Directors;

(5) one member shall be a SANE Adult/Adolescent or SANE Pediatric certified forensic nurse or a board certified advance forensic nurse (AFN-BC) who has a least a bachelor of science degree, with experience as a director or senior manager of a program providing forensic nursing care to patient populations experiencing criminal violence and trauma;

(6) one current state, county, or local prosecutor who shall be a non-voting ex officio member;

(7) one current criminal defense attorney employed by a state public defender service who shall be a non-voting ex officio member.

(c) TERMS —

(1) IN GENERAL —A member of the Board shall be appointed for a term of 3 years.

(2) EXCEPTION —Of the members first appointed to the Board—

(A) 3 members shall serve a term of 1 years;

(B) 3 members shall serve a term of 2 years; and

(C) 4 members shall serve a term of 3 years.

CFSO 3/6/17 Revision

(D) 1 ex official member shall serve 2 years and 1 ex official member shall serve 3 years.

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

(d) DUTIES OF FORENSIC SCIENCE BOARD –

(1) the Forensic Science Board shall –

(A) provide input to the OFS concerning the support of federal, state, county, local and tribal forensic science service providers and stakeholders regarding the needs of the forensic community and other matters;

(B) make recommendations to the Director of OFS relating to federal research priorities and needs, and any other issue consistent with this Act;

(C) promote and support —

(i) accreditation, certification, and research programs and procedures established under this Act; and

(ii) the use of national and international standards and best practices by forensic science service providers; and

(iii) review and update, as appropriate, any recommendations made under paragraph III.(d)(1); and

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

(2) the Forensic Science Board may form subcommittees and task groups of individuals on the Board and members invited by the Board to participate;

(3) the Forensic Science Board shall meet in-person at least twice a year, providing funds are available;

(4) the Forensic Science Board shall also meet with or otherwise communicate with the Council of Federal Forensic Laboratory Directors and Department of Justice laboratory directors.

(e) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT —

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

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

(3) COMPENSATION OF MEMBERS —Members of the Forensic Science Board shall serve without compensation for services performed for the Board.

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

- (5) DESIGNATED FEDERAL OFFICER —In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Director shall—
- (A) serve as the designated Federal officer; and
 - (B) designate a committee management officer for the Forensic Science Board.

IV. GRANT PROGRAMS

- A. GRANT PROGRAMS—The grant programs under this Act, shall include, but not limited to:
- (1) forensic science research, basic and applied; development, testing, and evaluation;
 - (2) capacity building, including office accreditation and personnel certification;
 - (3) forensic science education, training, and technical assistance;
 - (4) support for databases, automation and information systems, electronic networking, and information sharing;
 - (5) studies on the ethical, legal, and social implications of forensic science; and
 - (6) targeted programs, to include, but not limited to:
 - (a) sexual assaults,
 - (b) drug abuse,
 - (c) medicolegal death investigation,
 - (d) missing and unidentified persons,
 - (e) digital and multimedia evidence, and
 - (f) forensic intelligence.
