

112th CONGRESS
1st Session
S. 132

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

IN THE SENATE OF THE UNITED STATES

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) Short Title- This Act may be cited as the 'Criminal Justice and Forensic Science Reform Act of 2011'.
- (b) Table of Contents- The table of contents for this Act is as follows:
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Definitions.
 - Sec. 3. Purpose.

TITLE I--STRUCTURE AND OVERSIGHT

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

TITLE II--ACCREDITATION OF FORENSIC SCIENCE LABORATORIES

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

TITLE III--CERTIFICATION OF FORENSIC SCIENCE PERSONNEL

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

TITLE IV--RESEARCH

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

TITLE V--STANDARDS AND BEST PRACTICES

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

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

- Sec. 601. Forensic science training and education for judges, attorneys, and law enforcement personnel.
- Sec. 602. Educational programs in the forensic sciences.
- Sec. 603. Medicolegal death investigation.
- Sec. 604. Inter-governmental coordination.
- Sec. 605. Anonymous reporting.
- Sec. 606. Interoperability of databases and technologies.
- Sec. 607. Code of ethics.
- Sec. 608. Needs Assessment

SEC. 2. DEFINITIONS.

In this Act--

- (1) the term ‘Board’ means the Forensic Science Board established under section 102(a);
- (2) the term ‘Committee’ means a committee established under section 103(a)(2);
- (3) the term ‘Director’ means the Director of the Office;
- (4) the term ‘forensic science discipline’ shall have the meaning given that term by the Director in accordance with section 102(h);
- (5) the term ‘forensic science laboratory’ shall have the meaning given that term by the Director in accordance with section 201(c);

- (6) the term ‘Office’ means the Office of Forensic Science established under section 101(a); and
- (7) the term ‘relevant personnel’ shall have the meaning given that term by the Director in accordance with section 301(b).

SEC. 3. PURPOSE.

The purpose of this Act is to strengthen and promote confidence in the criminal justice system by promoting standards and best practices and ensuring scientific validity and accuracy with respect to forensic testing, analysis, identification, and comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding.

TITLE I--STRUCTURE AND OVERSIGHT

SEC. 101. OFFICE OF FORENSIC SCIENCE.

- (a) In General- There is established an Office of Forensic Science within the Office of the Deputy Attorney General in the Department of Justice.
- (b) Officers and Staff-
 - (1) IN GENERAL- The Office shall include--
 - (A) a Director, who shall have a background in science and be appointed by the Attorney General; and
 - (B) such other officers and staff as the Deputy Attorney General and the Director determine appropriate.
 - (2) LEADERSHIP ROLE OF THE DIRECTOR – The Director shall have primary responsibility for establishing and implementing national policy regarding forensic science as used in the criminal justice system.
 - (3) DEADLINE- Not later than 180 days after the date of enactment of this Act, the initial appointment and selections under paragraph (1) shall be made.
- (c) Vacancy- In the event of a vacancy in the position of Director--
 - (1) the Attorney General shall designate an acting Director; and
 - (2) during any period of vacancy before designation of an acting Director, the Deputy Attorney General shall serve as acting Director.
- (d) Collaboration with the National Institute of Standards and Technology –
 - (1) Not later than 180 days after the appointment of the Director, the Director and the Director of the National Institute of Standards and Technology shall establish a Memorandum of Understanding to ensure collaboration in the implementation of this Act.
 - (2) The Memorandum of Understanding shall include policies and procedures to ensure that, in implementing this Act, the Director and the Director of National Institute of Standards and Technology incorporate appropriately the priorities and

expertise of law enforcement and forensic practitioners and establish structures designed to guarantee independent scientific determinations.

- (3) The Memorandum of Understanding shall include agreements governing:
- (a) selection of members of Committees and support by the National Institute of Standards and Technology of Committees pursuant to Section 103;
 - (b) administration by the National Institute of Standards and Technology of grant programs set out in Section 402;
 - (c) designation of a liaison at the National Institute of Standards and Technology to facilitate communication between the Office and the National Institute of Standards and Technology; and
 - (d) any other appropriate collaboration.

(e) Liaison from the National Science Foundation - The Director of the National Science Foundation, in consultation with the Director, shall designate a liaison at the National Science Foundation to facilitate communication and collaboration between the Office and the National Science Foundation.

(f) Duties and Authority-

- (1) IN GENERAL- The Office shall--
- (A) assist the 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
 - (B) evaluate and act upon the recommendations of the Board in accordance with paragraph (4).
- (2) SPECIFIC RESPONSIBILITIES- The Director shall--
- (A) establish, lead, and oversee implementation of accreditation and certification standards under titles II and III;
 - (B) establish a comprehensive strategy for scientific research in the forensic sciences under title IV;
 - (C) establish standards and best practices for forensic science disciplines under title V;
 - (D) define the term 'forensic science discipline' for the purposes of this Act in accordance with section 102(h);
 - (E) establish and maintain a list of forensic science disciplines in accordance with section 102(h);
 - (F) establish Committees in accordance with section 103;
 - (G) define the term 'forensic science laboratory' for the purposes of this Act in accordance with section 201(c);
 - (H) establish a code of ethics for the forensic science disciplines in accordance with section 607; and
 - (I) perform all other functions of the Office under this Act and such other related functions as are necessary to perform the functions of the Office described in this Act.

(4) CONSIDERATION OF RECOMMENDATIONS-

- (A) IN GENERAL- Upon receiving a recommendation from the Board, the Director shall--
- (i) give substantial deference to the recommendation; and
 - (ii) not later than 90 days after the date on which the Director receives the recommendation, determine whether to adopt, modify, or reject the recommendation.
- (B) MODIFICATION-
- (i) IN GENERAL- If the Director determines to substantially modify a recommendation under subparagraph (A), the Director shall immediately notify the Board of the proposed modification.
 - (ii) BOARD RECOMMENDATION- Not later than 30 days after the date on which the Director provides notice to the Board under clause (i), the Board shall submit to the Director a recommendation on whether the proposed modification should be adopted.
 - (iii) ACCEPTANCE OF MODIFICATION- If the Board recommends that a proposed modification should be adopted under clause (ii), the Director may implement the modified recommendation.
 - (iv) REJECTION OF MODIFICATION- If the Board recommends that a proposed modification should not be adopted under clause (ii), the Director shall, not later than 10 days after the date on which the Board makes the recommendation--
 - (I) provide notice and an explanation of the modification proposed to the Committee on the Judiciary and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on the Judiciary and the Committee on Science and Technology of the House of Representatives; and
 - (II) begin a rulemaking on the record after opportunity for an agency hearing.
- (C) REJECTION- Not later than 30 days after the date on which the Director determines to reject a recommendation under subparagraph (A), the Director shall--
- (i) provide notice and an explanation of the decision to the Committee on the Judiciary and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on the Judiciary and the Committee on Science and Technology of the House of Representatives; and
 - (ii) begin a rulemaking on the record after opportunity for an agency hearing.
- (g) Website- The Director shall--
- (1) establish a website that is publicly accessible; and
 - (2) publish and maintain a central repository of recommendations of the Board and all standards, protocols, definitions, and other materials established, accepted, or amended, by the Director under this Act on the website.

SEC. 102. FORENSIC SCIENCE BOARD.

(a) In General- There is established a Forensic Science Board to serve as an advisory board regarding forensic science in order to strengthen and promote confidence in the criminal justice system by promoting standards and best practices and ensuring scientific validity and accuracy with respect to forensic testing, analysis, identification, and comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding.

(b) Appointment-

(1) IN GENERAL- The Board shall be composed of 17 members, who shall--

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

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

(2) CONSIDERATION AND CONSULTATION- In making an appointment under paragraph (1), the President shall--

(A) consider the need for the Board to exercise independent scientific judgment; and

(B) consider, among other factors, recommendations from leading scientific organizations and leading professional organizations in the field of forensic science and other relevant fields.

(3) REQUIREMENTS- The Board shall include 11 voting members, 6 non-voting members, and the ex-officio members set forth in paragraph 7.

(4) VOTING MEMBERS – All voting members shall have comprehensive scientific backgrounds.

(A) Not fewer than 6 voting members shall have extensive experience and background in scientific research.

(B) Not fewer than 6 voting members shall have extensive practical experience and background in forensic science.

(C) Not less than one voting member shall be a board certified physician with relevant expertise.

(D) An individual voting member may meet more than one of the requirements set forth in paragraphs (A), (B), and (C).

(5) NON-VOTING MEMBERS – One non-voting member shall come from each of the following categories --

(A) judges;

(B) prosecutors;

(C) State and local law enforcement officials;

(D) criminal defense attorneys;

(E) organizations that represent people who may have been wrongly convicted; and

(F) State and local laboratory directors.

(6) FULFILLMENT OF MULTIPLE REQUIREMENTS – An individual who fulfills the requirements set out in subparagraph (4) may serve as a voting

member even if that individual also fulfills a requirement set forth in subparagraph (5).

(7) EX OFFICIO MEMBERS- The Director, the Deputy Attorney General, and the Directors of the National Institute of Standards and Technology and the National Science Foundation, or their designees, shall serve as ex officio members of the Board and shall not participate in voting.

(8) APPOINTMENT OF BOARD CHAIR – The President shall designate a voting Board member to serve as Chair of the Board for the duration of that member’s term.

(c) Terms-

(1) IN GENERAL- Each voting and non-voting member of the Board, excluding ex officio members, shall be appointed for a term of 6 years.

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

(A) 3 voting members and 2 non-voting members shall serve a term of 2 years;

(B) 4 voting members and 2 non-voting members shall serve a term of 4 years; and

(C) 4 voting members and 2 non-voting members shall serve a term of 6 years.

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

(4) VACANCIES-

(A) IN GENERAL- In the event of a vacancy, the President may appoint a member to fill the remainder of the term.

(B) ADDITIONAL TERM- A member appointed under subparagraph (A) may be reappointed for 1 additional term.

(5) HOLDOVERS- If a successor has not been appointed at the conclusion of the term of a member of the Board, the member of the Board may continue to serve until--

(A) a successor is appointed; or

(B) the member of the Board is reappointed.

(d) Responsibilities- The Board shall--

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

(2) monitor and evaluate--

(A) the administration of accreditation, certification, and research programs and procedures established under this Act; and

(B) the operation of the Committees;

(3) review and update, as appropriate, any recommendations made under paragraph (1);

(4) identify, as appropriate, any additional issues that one or more Committees should consider; and

(5) 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.

(e) Consultation- The Board shall consult as appropriate with the Deputy Attorney General, the Director of the National Institute of Standards and Technology, the Director of the National Science Foundation, the Director of the National Institute of Justice, the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, senior officials from other relevant Federal agencies including the Department of Defense, and relevant officials of State and local government.

(f) Meetings-

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

(2) REQUIREMENTS-

(A) NOTICE- The Board shall provide public notice of any meeting of the Board a reasonable period in advance of the meeting.

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

(C) QUORUM- A majority of the voting members of the Board shall be present for a quorum to conduct business.

(g) Votes-

(1) IN GENERAL- Decisions of the Board shall be made by an affirmative vote of not less than 2/3 of the members of the Board voting.

(2) VOTING PROCEDURES-

(A) RECORDED- All votes of the Board shall be recorded.

(B) REMOTE AND PROXY VOTING- If necessary, a voting member of the Board may cast a vote--

(i) over the phone or through electronic mail or other electronic means if the vote is scheduled to take place during a time other than a full meeting of the Board; and

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

(h) Definition of Forensic Science Discipline-

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

(A) develop a recommended definition of the term 'forensic science discipline' for purposes of this Act, which shall encompass disciplines with a sufficient scientific basis that involve forensic testing, analysis, identification, or comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding;

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

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

(2) CONSIDERATION- In developing a recommended list of forensic science disciplines under paragraph (1)(B), the Board shall:

(A) consider each field from which courts in criminal cases hear forensic testimony or admit forensic evidence; and

(B) consult with relevant practitioners, experts, and professional organizations.

(3) EXCLUSION FROM LIST- If the Board recommends that a field should not be included on the list submitted under paragraph (1) because the field has insufficient scientific basis on the date of the recommendation of the Board, the Board shall publish an explanation of the recommendation, which--

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

(B) may include a finding that a field could be recognized as a forensic science discipline, based on additional research.

(4) ESTABLISHMENT- After the Director receives the recommendation of the Board under paragraph (1), the Director shall, in accordance with section 101(f)(4), establish a definition for the term 'forensic science discipline', and shall establish a list of forensic science disciplines.

(5) ANNUAL EVALUATION- On an annual basis, the Board shall--

(A) evaluate--

(i) whether any field should be added to the list of forensic science disciplines established under paragraph (4), including any field previously excluded; and

(ii) whether any field on the list of forensic science disciplines established under paragraph (4) should be modified or removed; and

(B) submit the evaluation conducted under subparagraph (A), including any recommendations, to the Director.

(i) Staff-

(1) IN GENERAL- The Board may, without regard to the civil service laws and regulations, appoint and terminate a staff director and such other additional personnel as may be necessary to enable the Board to perform the duties of the Board.

(2) COMPENSATION- The Board may fix the compensation of the staff director and other personnel appointed under paragraph (1) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES-

(A) IN GENERAL- Any personnel of the Board who are employees shall be employees under section 2105 of title 5, United States Code, for

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

(B) MEMBERS OF THE BOARD- Subparagraph (A) shall not be construed to apply to members of the Board.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES- The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) VOLUNTARY SERVICES- Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use voluntary and uncompensated services for the Board as the Board determines necessary.

(j) Reports to Congress- Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to Congress a report describing the work of the Board and the work of each Committee, which shall include a description of any recommendations, decisions, and other significant materials generated during the 2-year period.

(k) 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 Board.

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

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

(4) TRAVEL EXPENSES- The members of the 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 Board.

SEC. 103. COMMITTEES.

(a) Establishment and Maintenance of Committees-

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

(A) the number of Committees that shall be established to examine research needs, standards and best practices, and certification standards for the forensic science disciplines, which shall be--

(i) not fewer than 1; and

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

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

(C) what the relationship should be between the Committees and any scientific working group or technical working group that has a similar scope of responsibility; and

(D) whether any Committee should consider any field not recognized as a forensic science discipline for the purpose of determining whether there is research that could be conducted and used to form the basis for establishing the field as a forensic science discipline.

(2) ESTABLISHMENT- After the Director receives the recommendations of the Board under paragraph (1), the Director, in consultation with the Director of the National Institute of Standards and Technology, shall--

(A) in accordance with section 101(f)(4), establish--

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

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

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

(3) ANNUAL EVALUATION- The Board, on an annual basis, shall--

(A) evaluate--

(i) whether any new Committees should be established;

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

(iii) whether any Committee should be discontinued;

(B) submit any recommendations relating to the evaluation conducted under subparagraph (A) to the Director.

(4) UPDATES- Upon receipt of any recommendations from the Board under paragraph (3), the Director shall, in accordance with section 101(f)(4), determine whether to establish, modify the scope of, or discontinue any Committee.

(b) Membership-

(1) IN GENERAL- Each Committee shall--

(A) consist of not more than 21 members--

(i) each of whom shall be a scientist with knowledge relevant to a forensic science discipline addressed by the Committee; and

(ii) not less than 50 percent of whom shall have extensive experience and background in scientific research;

(B) have a number of members who have extensive practical experience and background in the forensic sciences sufficient to ensure that the Committee has an adequate understanding of the factors and needs unique to the forensic sciences; and

(C) have a membership that represents a variety of scientific disciplines, including the forensic sciences.

(2) DEFINITION- In this subsection, the term 'scientist' includes--

- (A) a statistician with a scientific background; and
- (B) a physician with expertise in forensic sciences.

(c) Appointment-

(1) IN GENERAL- The Director of the National Institute of Standards and Technology, in consultation with the Board and the Director and pursuant to the Memorandum of Understanding required by subsection 101(d), shall appoint the members of each Committee.

(2) CONSIDERATION- In appointing members to a Committee under paragraph (1), the Director of NIST shall consider--

(A) the importance of analysis from scientists with academic backgrounds; and

(B) the importance of input from experienced forensic practitioners.

(3) VACANCIES- In the event of a vacancy, the Director of NIST, in consultation with the Board and the Director, may appoint a member to fill the remainder of the term.

(4) HOLDOVERS- If a successor has not been appointed at the conclusion of the term of a member of the Committee, the member of the Committee may continue to serve until--

(A) a successor is appointed; or

(B) the member of the Committee is reappointed.

(d) Terms- A member of a Committee shall serve for renewable terms of 4 years.

(e) Support and Oversight-

(1) IN GENERAL- Pursuant to the Memorandum of Understanding required by Subsection 101(d), the National Institute of Standards and Technology shall provide support and staff for each Committee as needed.

(2) DUTIES AND OVERSIGHT- The Director of NIST shall--

(A) perform periodic oversight of each Committee; and

(B) report any concerns about the performance or functioning of a Committee to the Board and the Director.

(3) FAILURE TO COMPLY- If a Committee fails to produce recommendations within the time periods required under this Act, the Director of NIST shall work with the Committee to assist the Committee in producing the required recommendations in a timely manner.

(f) Duties-

(1) IN GENERAL- A Committee shall have the duties and responsibilities set out in this Act, and shall perform any other functions determined appropriate by the Board.

(2) COMMITTEE DECISIONS AND RECOMMENDATIONS-

(A) IN GENERAL- A Committee shall submit recommendations and all recommended standards, protocols, or other materials developed by the Committee to the Board for evaluation.

(B) PROHIBITION OF MODIFICATION OF DECISIONS AND RECOMMENDATIONS- Any recommendations of a Committee and any recommended standards, protocols, or other materials developed by a Committee may be approved or disapproved by the Board, but may not be modified by the Board.

(C) APPROVAL OF DECISIONS AND RECOMMENDATIONS- If the Board approves a recommendation or recommended standard, protocol, or other material submitted by a Committee under subparagraph (A), the Board shall submit the recommendation or recommended standard, protocol, or other material as a recommendation of the Board, to the Director for consideration in accordance with section 101(f)(4).

(D) DISAPPROVAL OF DECISIONS AND RECOMMENDATIONS- If the Board disapproves of any recommendation of a Committee or recommended standard, protocol, or other material developed by a Committee--

(i) the Board shall provide in writing the reason for the disapproval of the recommendation or recommended standard, protocol, or other material;

(ii) the Committee shall withdraw the recommendation or recommended standard, protocol, or other material developed by the Committee; and

(iii) the Committee may submit a revised recommendation or recommended standard, protocol, or other material.

(g) Meetings-

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

(2) REQUIREMENTS-

(A) NOTICE- A Committee shall provide public notice of any meeting of the Committee a reasonable period in advance of the meeting.

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

(C) QUORUM- A majority of members of a Committee shall be present for a quorum to conduct business.

(h) Votes-

(1) IN GENERAL- Decisions of a Committee shall be made by an affirmative vote of not less than 2/3 of the members of the Committee voting.

(2) VOTING PROCEDURES-

(A) RECORDED- All votes taken by a Committee shall be recorded.

(B) REMOTE AND PROXY VOTING- If necessary, a member of the Committee may cast a vote--

(i) over the phone or through electronic mail if the vote is scheduled to take place during a time other than a full meeting of the Committee; and

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

(i) Applicability of the Federal Advisory Committee Act-

(1) IN GENERAL- The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a Committee.

(2) COMPENSATION OF MEMBERS- Members of a Committee shall serve without compensation for services performed for the Committee.

(3) TRAVEL EXPENSES- The members of a Committee 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 Committee.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated--

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

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

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

(4) \$5,000,000 for each of fiscal years 2012 through 2016 to the National Institute of Standards and Technology for the support and staffing of the Committees.

TITLE II--ACCREDITATION OF FORENSIC SCIENCE LABORATORIES

SEC. 201. ACCREDITATION OF FORENSIC SCIENCE LABORATORIES.

(a) In General- On and after the date established under subsection (b)(2)(D), a forensic science laboratory may not receive, directly or indirectly, any Federal funds, unless the Director has verified that the laboratory has been accredited in accordance with the standards and procedures established under this title.

(b) Procedures for Accreditation-

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

(A) a comprehensive strategy to enable forensic science laboratories to obtain and maintain accreditation;

(B) recommended procedures for the accreditation of forensic science laboratories that are consistent with the recommended standards and criteria developed by the Board under section 202;

(C) recommended procedures for the periodic review and updating of the accreditation status of forensic science laboratories;

(D) recommended procedures for the Director to verify that laboratories have been accredited in accordance with the standards and procedures established under this title, which shall include procedures to implement, administer, and coordinate enforcement of the program for the accreditation of forensic science laboratories; and

(E) a recommendation regarding the date by which forensic science laboratories should--

(i) begin the process of laboratory accreditation; and

(ii) obtain verification of laboratory accreditation to be eligible to receive Federal funds.

(2) ESTABLISHMENT- After the Director receives the recommendations of the Board under paragraph (1), the Director shall, in accordance with section 101(f)(4), establish--

(A) procedures to implement a comprehensive strategy to enable forensic science laboratories to obtain and maintain accreditation;

(B) procedures for the accreditation of a forensic science laboratory;

(C) procedures for the Director to verify that laboratories have been accredited in accordance with the standards and procedures established under this title;

(D) the date by which a forensic science laboratory shall begin the process of accreditation; and

(E) the date by which a forensic science laboratory shall obtain verification of laboratory accreditation to be eligible to receive Federal funds.

(3) In determining, recommending, and establishing the dates under paragraphs 1 and 2, the Board and Director shall consider whether funding has been appropriated pursuant to section 305 and other relevant federal grant programs to sufficiently assist and support laboratories in obtaining accreditation under this Act.

(c) Definition-

(1) IN GENERAL- Not later than 1 year after the date of enactment of this Act, the Board shall recommend to the Director a definition of the term 'forensic science laboratory' for purposes of this Act, which shall include any laboratory that conducts forensic testing, analysis, identification, or comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding.

(2) ESTABLISHMENT- After the Director receives the recommendation of the Board under paragraph (1), the Director shall, in accordance with section 101(f)(4), establish a definition for the term 'forensic science laboratory'.

(d) Applicability to Federal Agencies- On and after the date established by the Director under subsection (b)(2)(D), a Federal agency may not use any forensic science laboratory during the course of a criminal investigation or criminal court proceeding unless the forensic science laboratory meets the standards of accreditation and certification established by the Office under this Act.

SEC. 202. STANDARDS FOR LABORATORY ACCREDITATION.

(a) Standards-

(1) RECOMMENDATIONS- Not later than 18 months after the date of enactment of this Act, the Board shall, in consultation with qualified professional organizations, submit to the Director recommendations regarding standards for the accreditation of forensic science laboratories, including quality assurance standards, to ensure the quality, integrity, and accuracy of any testing, analysis, identification, or comparisons performed by a forensic science laboratory for use during the course of a criminal investigation or criminal court proceeding.

(2) ESTABLISHMENT- After the Director receives the recommendations of the Board under paragraph (1), the Director shall, in accordance with section 101(f)(4), establish standards for the accreditation of forensic science laboratories.

(3) REQUIREMENTS- In recommending or establishing standards under paragraph (1) or (2) the Board and the Director shall--

(A) consider--

(i) whether any relevant national or international accreditation standards that were in effect before the date of enactment of this Act would be sufficient for the accreditation of forensic science laboratories under this Act; and

(ii) whether any relevant national or international accreditation standards that were in effect before the date of enactment of this Act would be sufficient for the accreditation of forensic science laboratories under this Act with supplemental standards; and

(iii) the incorporation of relevant national or international accreditation standards that were in effect before the date of enactment of this Act; and

(B) include--

(i) educational and training requirements for relevant laboratory personnel;

(ii) proficiency and competency testing requirements for relevant laboratory personnel; and

(iii) maintenance and auditing requirements for accredited forensic science laboratories.

(b) Review of Standards-

(1) IN GENERAL- Not less frequently than once every 5 years--

(A) the Board shall--

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

(ii) submit recommendations to the Director relating to whether, and if so, how to update or supplement the standards as necessary to--

(I) account for developments in relevant scientific research and technological advances and new forensic science disciplines;

- (II) ensure adherence to the standards and best practices established under title V; and
 - (III) address any other issue identified during the course of the review conducted under clause (i); and
- (B) the Director shall, as necessary and in accordance with section 101(f)(4), update the accreditation standards established under subsection (a).

(2) PROCEDURES FOR OPEN AND TRANSPARENT REVIEW OF STANDARDS- The Director, in consultation with the Board, shall establish procedures to ensure that the process for developing, reviewing, and updating accreditation standards under this section--

- (A) is open and transparent to the public; and
- (B) includes an opportunity for the public to comment on proposed standards with sufficient prior notice.

SEC. 203. ADMINISTRATION AND OVERSIGHT OF ACCREDITATION PROGRAM.

(a) Administration and Oversight of Accreditation Program-

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

(2) ADMINISTRATION-

(A) IN GENERAL- The Director shall, as appropriate, identify 1 or more qualified accrediting bodies with significant expertise relevant to the accreditation of forensic science laboratories, the accreditation of a forensic science laboratory by which shall constitute accreditation for purposes of section 201(a).

(B) OVERSIGHT- The Director shall periodically reevaluate whether accreditation by a qualified accrediting body identified under subparagraph (A) is adequate to ensure compliance with the standards and procedures established under this title and recommend updates to the standards and procedures used by one or more qualified accrediting bodies as necessary.

(C) REPORTING- The Director shall provide regular reports to the Board regarding the accreditation of forensic science laboratories by qualified accrediting bodies identified under subparagraph (A) and reevaluations of accreditation by qualified accrediting bodies under subparagraph (B), which shall be published on the website of the Office.

(b) Review of Eligibility- Not less frequently than once every 5 years, the Director shall evaluate whether a forensic science laboratory that has been determined to be eligible to receive Federal funds under section 201(a) remains eligible to receive Federal funds, including whether any accreditation of the forensic science laboratory by a qualified accrediting body identified under subparagraph (A) is still in effect.

(c) Website- The Director shall develop and maintain on the website of the Office an updated list of--

- (1) the forensic science laboratories that are eligible for Federal funds under section 201(a);
- (2) the forensic science laboratories that have been determined to be ineligible to receive Federal funds under section 201(a); and
- (3) the forensic science laboratories that are awaiting a determination regarding eligibility to receive Federal funds under section 201(a).

TITLE III--CERTIFICATION OF FORENSIC SCIENCE PERSONNEL

SEC. 301. DEFINITIONS.

(a) Covered Entity- In this title, the term ‘covered entity’ means an entity that--

- (1) is not a forensic science laboratory; and
- (2) conducts forensic testing, analysis, investigation, identification, or comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding.

(b) Relevant Personnel-

(1) RECOMMENDATION- Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Director a recommended definition of the term ‘relevant personnel’, which shall include all individuals who--

(A) conduct forensic testing, analysis, investigation, identification, or comparisons, the results of which may be interpreted, presented, or otherwise used during the course of a criminal investigation or criminal court proceeding; or

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

(2) DEFINITION- After the Director receives the recommendation of the Board under paragraph (1), the Director shall, in accordance with section 101(f)(4), define the term ‘relevant personnel’ for purposes of this title.

SEC. 302. CERTIFICATION OF FORENSIC SCIENCE PERSONNEL.

Except as provided in section 304(c)(2), on and after the date established under section 304(c)(1), a forensic science laboratory or covered entity may not receive, directly or indirectly, any Federal funds, unless all relevant personnel of the forensic science laboratory or covered entity are certified under this title.

SEC. 303. STANDARDS FOR CERTIFICATION.

(a) Recommended Standards-

(1) IN GENERAL- Not later than 2 years after the date on which all members of a Committee have been appointed, the Committee shall make recommendations to

the Board relating to standards for the certification of relevant personnel in each forensic science discipline addressed by the Committee.

(2) REQUIREMENTS- In developing recommended standards under paragraph (1), a Committee shall--

(A) consult with qualified professional organizations, including qualified professional organizations that accredit forensic science certification programs;

(B) consider relevant certification standards and best practices developed by qualified professional or scientific organizations;

(C) consider whether successful completion of a certification program accredited by a qualified professional organization would be sufficient to meet the certification requirements for relevant personnel under this Act;

(D) consider whether and under what circumstances internal certification programs by accredited laboratories would be sufficient to meet the certification requirements for relevant personnel under this Act;

(E) consider any standards or best practices established under title V; and

(F) consider--

(i) whether certain minimum standards should be established for the education and training of relevant personnel;

(ii) whether there should be an alternative process to enable relevant personnel who were hired before the date established under section 304(c)(1), to obtain certifications, including--

(I) testing that demonstrates proficiency in a specific forensic science discipline that is equal to or greater than the level of proficiency required by the standards for certification; and

(II) a waiver of certain educational and training requirements;

(iii) whether and under what conditions relevant personnel should be allowed to perform an activity described in subparagraph (A) or (B) of section 301(b)(1) for a forensic science laboratory or covered entity while the individual obtains the training and education required for certification under the standards developed under this title; and

(iv) whether certification by recognized and relevant medical boards, or other recognized and relevant state professional boards, should be sufficient for relevant personnel to meet the standards developed under this title.

(b) Approval or Denial of Recommendations- The Board shall approve or deny any recommendation submitted by a Committee under subsection (a) in accordance with section 103(f)(2).

(c) Establishment of Standards- After the Director receives recommendations from the Board under subsection (b), the Director shall, in accordance with section 101(f)(4), establish standards for the certification of relevant personnel.

(d) Review of Standards-

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

(A) review the standards for certification established under subsection (c) for each forensic science discipline within the responsibility of the Committee; and

(B) submit to the Board recommendations regarding updates, if any, to the standards for certification as necessary--

(i) to account for developments in relevant scientific research, technological advances, or changes in the law; and

(ii) to ensure adherence to the uniform standards and best practices established under title V.

(2) BOARD REVIEW- Not later than 180 days after the date on which a Committee submits recommendations under paragraph (1)(B), the Board shall, in accordance with section 103(f)(2)--

(A) consider the recommendations; and

(B) submit to the Director recommendations of uniform standards and best practices for each forensic science discipline.

(3) UPDATES- After the Director receives recommendations from the Board under paragraph (2), the Director shall, in accordance with section 101(f)(4), update the standards for certification of relevant personnel.

(e) Public Comment- The Director, in consultation with the Board, shall establish procedures to ensure that the process for establishing, reviewing, and updating standards for certification of relevant personnel under this section--

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

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

SEC. 304. ADMINISTRATION AND REVIEW OF CERTIFICATION PROGRAM.

(a) In General-

(1) DETERMINATION- The Director shall determine whether a forensic science laboratory or covered entity is eligible to receive, directly or indirectly, Federal funds under section 302.

(2) PROCEDURES- Not later than 1 year after the date of enactment of this Act, the Director shall establish policies and procedures to implement, administer, and coordinate enforcement of the certification requirements established under this title, including requiring the periodic recertification of relevant personnel.

(b) Administration-

(1) IN GENERAL- After consultation with the Board, the Director may identify 1 or more qualified professional organizations with significant expertise relevant to the certification of individuals in a particular forensic science discipline, the

certification of an individual by which shall constitute certification for purposes of section 302.

(2) OVERSIGHT- The Director shall periodically reevaluate whether certification by a qualified professional organizations identified under paragraph (1) is adequate to ensure compliance with the standards established under this title.

(3) REPORTING- The Director shall provide regular reports to the Board regarding the certification of relevant personnel by qualified professional organizations identified under paragraph (1) and reevaluations of certification by qualified professional organizations under paragraph (2), which shall be published on the website of the Office.

(c) Implementation of Certification Requirements-

(1) IN GENERAL- After consultation with the Board, the Director shall establish the date on which forensic science laboratories and covered entities shall be in compliance with the certification requirements of this title.

(2) GRADUAL IMPLEMENTATION- The Director shall, in consultation with the Board and each Committee, establish policies and procedures to enable the gradual implementation of the certification requirements that--

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

(B) allow for partial compliance with the requirements of section 302 for a reasonable period of time after the date established under paragraph (1); and

(C) allow for consideration of whether funding has been appropriated pursuant to section 305 and other relevant federal grant programs to sufficiently assist and support forensic science laboratories and covered entities in complying with the certification requirements of this title.

(d) Review of Certification Requirements- The Director shall establish policies and procedures for the periodic review of the implementation, administration, and enforcement of the certification requirements established under this title.

SEC. 305. GRANTS AND TECHNICAL ASSISTANCE.

(a) Implementation Plan – Not later than 1 year after the date of enactment of this Act, the Director of the National Institute of Justice, in consultation with the Director, shall develop a plan for assisting and supporting laboratories and covered entities in obtaining accreditation under title II and certifications for relevant personnel under this title.

(b) In General- The Director of the National Institute of Justice, in consultation with the Director and consistent with the Implementation Plan developed pursuant to subsection (a), may make grants and provide technical assistance to forensic science laboratories and other entities subject to the requirements under this title and title II to ensure that forensic science laboratories and covered entities are able to --

(1) obtain accreditation under title II;

(2) obtain certifications for relevant personnel under this title; and

(3) effectively fulfill their responsibilities during the process of obtaining accreditation under title II and certifications for relevant personnel under this title.

(c) Authorization of Appropriations-

(1) IN GENERAL- There is authorized to be appropriated \$50,000,000 for each of fiscal years 2012 through 2016 to the National Institute of Justice for the grant program and technical assistance described in subsection (a).

(2) REQUIREMENT- Not less than 90 percent of funds appropriated pursuant to paragraph (1) shall be used for grants under this section.

(d) Report- The Director of the National Institute of Justice shall, on an annual basis, submit to the Board and the Director a report that describes--

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

(2) each grant made under this section during the fiscal year before the fiscal year in which the report is submitted; and

(3) as appropriate, the status and results of any grants previously described in a report submitted under this subsection.

TITLE IV--RESEARCH

SEC. 401. RESEARCH STRATEGY AND PRIORITIES.

(a) Comprehensive Research Strategy and Agenda-

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

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

(3) REVIEW-

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

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

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

(B) UPDATES- After the Director receives recommendations from the Board under subparagraph (A), the Director shall, in accordance with section 101(f)(4), update the comprehensive strategy as necessary and appropriate.

(b) Research Funding Priorities-

- (1) RECOMMENDATION- Not later than 18 months after the date of enactment of this Act, the Board shall recommend to the Director a list of priorities for forensic science research funding.
- (2) ESTABLISHMENT- After the Director receives the list from the Board under paragraph (1), the Director shall, in accordance with section 101(f)(4), establish a list of priorities for forensic science research funding.
- (3) REVIEW- Not less frequently than once every 2 years, the Board shall--
 - (A) review--
 - (i) the list of priorities established under paragraph (2); and
 - (ii) the findings of the relevant Committees made under subsection (c); and
 - (B) recommend any necessary updates to the list of priorities, incorporating, as appropriate, the findings of the Committees under subsection (c).
- (4) UPDATES- After the Director receives the recommendations under paragraph (3), the Director shall, in accordance with section 101(f)(4), update as necessary the list of research funding priorities.

(c) Evaluation of Research Needs- Not later than 2 years after the date on which all members of a Committee have been appointed under section 103, and periodically thereafter, the Committee shall--

- (1) examine and evaluate the scientific research in each forensic science discipline within the responsibility of the Committee;
- (2) conduct comprehensive surveys of scientific research relating to each forensic science discipline within the responsibility of the Committee;
- (3) examine the research needs in each forensic science discipline within the responsibility of the Committee and identify key areas in which further scientific research is needed; and
- (4) develop and submit to the Board a list of research needs and priorities.

(d) Consideration- In developing the initial research strategy, research priorities, and surveys required under this section, the Board and the Director shall consider any findings, surveys, and analyses relating to research in forensic science disciplines, including those made by the Subcommittee on Forensic Science of the National Science and Technology Council.

SEC. 402. RESEARCH GRANTS.

(a) Competitive Grants-

(1) DEFINITION- In this subsection, the term `eligible entity' means--

- (A) a nonprofit academic or research institution;
- (B) an accredited forensic science laboratory; and
- (C) any other entity designated by the Director of the National Institute of Standards and Technology.

(2) PEER-REVIEW RESEARCH GRANTS-

(A) IN GENERAL- Pursuant to the Memorandum of Understanding required by Subsection 101(d), the Director of the National Institute of Standards and Technology may, on a competitive basis, make grants to eligible entities to conduct peer-reviewed scientific research.

(B) CONSIDERATION- In making grants under this paragraph, the Director of the National Institute of Standards and Technology shall--

- (i) ensure that grants made under this paragraph are for peer-reviewed scientific research in areas that are consistent with the research priorities established by the Director under section 401(b);
- (ii) take into consideration the research needs identified by the Committees under section 401(c);
- (iii) if prior to identification of research priorities under section 401(b) and research needs under section 401(c), consider any findings, surveys, and analyses relating to research in forensic science disciplines, including those made by the Subcommittee on Forensic Science of the National Science and Technology Council; and
- (iv) encourage and, where appropriate, provide incentives for partnerships between nonprofit academic or research institutions and accredited forensic science laboratories.

(3) DEVELOPMENT OF NEW TECHNOLOGIES- Pursuant to the Memorandum of Understanding required by Subsection 101(d), the Director of the National Institute of Standards and Technology may, on a competitive basis, make grants to eligible entities to conduct peer-reviewed scientific research to develop new technologies and processes to increase the efficiency, effectiveness, and accuracy of forensic testing procedures.

(4) COORDINATION WITH DIRECTOR- In making grants under this subsection, the Director of the National Institute of Standards and Technology shall coordinate with the Director to ensure implementation of the plan established under section 404.

(5) COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION- The Director of the National Institute of Standards and Technology shall consult and coordinate with the National Science Foundation to ensure--

- (A) the integrity of the process for reviewing funding proposals and awarding grants under this subsection; and
- (B) that the grant-making process is not subject to any undue bias or influence.

(b) Report-

(1) IN GENERAL-

(A) SUBMISSION- The Director of the National Institute of Standards and Technology shall, on an annual basis, submit to the Board and the Director a report that describes--

- (i) the application process for grants under this section;
- (ii) each grant made under this section in the fiscal year before the report is submitted; and

(iii) as appropriate, the status and results of grants previously described in a report submitted under this subsection.

(B) PUBLICATION- The Director shall publish the report submitted under subparagraph (A) on the website of the Office.

(2) EVALUATION- The Board and the Director shall evaluate each report submitted under paragraph (1) and consider the information provided in each report in reviewing the research strategy and priorities established under section 401.

(c) Authorization of Appropriations- There are authorized to be appropriated--

- (1) \$75,000,000 to the National Institute of Standards and Technology for each of fiscal years 2012 through 2016 for grants under subsection (a)(2); and
- (2) \$15,000,000 to the National Institute of Standards and Technology for each of fiscal years 2012 through 2016 for grants under subsection (a)(3).

SEC. 403. OVERSIGHT AND REVIEW.

(a) Reports- Not later than 3 years after the date on which the first grant is awarded under paragraph (2) or (3) of section 402(a), and not later than 2 years after the date on which the first report under this subsection is submitted, the Inspector General of the Department of Justice, in coordination with the Inspector General of the Department of Commerce, shall submit to Congress a report on the administration and effectiveness of the grant programs described in section 402(a).

(b) Requirements- Each report submitted under this section shall evaluate--

- (1) whether any undue biases or influences affected the integrity of the solicitation, award, or administration of research grants; and
- (2) whether there was any unnecessary duplication, waste, fraud, or abuse in the grant-making process.

SEC. 404. PUBLIC-PRIVATE COLLABORATION.

(a) Recommendation- Not later than 2 years after the date of enactment of this Act, the Board shall submit to the Director a recommended plan for encouraging collaboration among universities, nonprofit research institutions, State and local forensic science laboratories, private forensic science laboratories, private corporations, and the Federal Government to develop and perform cost-effective and reliable research in the forensic sciences, consistent with the research priorities established under section 401(b)(2).

(b) Requirements- The plan recommended under subsection (a) shall include--

- (1) incentives for nongovernmental entities to invest significant resources into conducting necessary research in the forensic sciences;
- (2) procedures for ensuring the research described in paragraph (1) will be conducted with sufficient scientific rigor that the research can be relied upon by--
 - (A) the Committees in developing standards under this Act; and
 - (B) forensic science personnel; and

(3) clearly defined requirements for disclosure of the sources of funding by nongovernmental entities for forensic science research conducted in collaboration with governmental entities and safeguards to prevent conflicts of interest or undue bias or influence.

(c) Establishment and Implementation- After receiving the recommended plan of the Board under subsection (a), the Director shall establish, in accordance with section 101(f)(4), and implement a plan for encouraging collaboration among universities, nonprofit research institutions, State and local forensic science laboratories, private forensic science laboratories, private corporations, and the Federal Government to develop and perform cost-effective and reliable research in the forensic sciences, consistent with the research priorities established under section 401(b)(2).

(d) Oversight- The Director, in consultation with the Board, shall periodically evaluate and, as necessary, update the plan established under subsection (c).

TITLE V--STANDARDS AND BEST PRACTICES

SEC. 501. DEVELOPMENT OF STANDARDS AND BEST PRACTICES.

(a) Committee Recommendations-

(1) IN GENERAL- Not later than 2 years after the date on which all members of a Committee have been appointed under section 103, the Committee shall develop and recommend to the Board standards and best practices for each forensic science discipline addressed by the Committee, including--

(A) validated protocols;

(B) quality assurance standards; and

(C) standardized terminology for use in reporting, including reports of identifications, analyses, or comparisons of forensic evidence that may be used during a criminal investigation or criminal court proceeding.

(2) REQUIREMENTS- In developing the standards and best practices under paragraph (1), a Committee shall--

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

(B) consider existing validated protocols and best practices;

(C) develop standards and best practices that are designed to ensure the quality and scientific integrity of data, results, conclusions, analyses, and reports that are generated for use in the criminal justice system; and

(D) develop standards and best practices that afford laboratories appropriate operational flexibility, including appropriate flexibility as to specific instruments, equipment, and methods.

(b) Board Recommendations- Not later than 180 days after the date on which a Committee submits recommended standards and best practices under subsection (a), the Board shall, in accordance with section 103(f)(2)--

(1) consider the recommendations; and

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

SEC. 502. ESTABLISHMENT AND DISSEMINATION OF STANDARDS AND BEST PRACTICES.

(a) In General- After the Board submits standards or best practices for a forensic science discipline under section 501(b), the Director shall, in accordance with section 101(f)(4), establish and disseminate standards and best practices for the forensic science discipline.

(b) Publication- The Director shall publish the standards and best practices established under subsection (a) on the website of the Office.

SEC. 503. REVIEW AND OVERSIGHT.

(a) Review by Committees-

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

(2) CONSIDERATIONS- In reviewing, and developing recommended updates to, the standards and best practices under paragraph (1), a Committee shall consider--

(A) input from qualified professional organizations;

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

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

(b) Board Recommendations- Not later than 180 days after the date on which a Committee submits recommended updates to the standards and best practices under subsection (a), the Board shall, in accordance with section 103(f)(2)--

(1) consider the recommendations; and

(2) recommend to the Director any updates, as necessary, to the standards and best practices established under section 502.

(c) Updates- After the Director receives recommended updates, if any, under subsection (b), the Director shall, in accordance with section 101(f)(4), update and disseminate the standards and best practices for each forensic science discipline as necessary.

(d) Procedures- The Director, in consultation with the Board, shall establish procedures to ensure that the process for developing, reviewing, and updating the standards and best practices--

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

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

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.

(a) In General-

(1) RECOMMENDATION- Not later than 2 years after the date of enactment of this Act, the Board shall submit to the Director a recommended plan for--

(A) supporting the education and training of judges, attorneys, and law enforcement personnel in the forensic sciences and fundamental scientific principles, which shall include education on the competent use and evaluation of forensic science evidence; and

(B) developing a standardized curriculum for education and training described in subparagraph (A).

(2) ESTABLISHMENT- Upon receipt of the recommendation from the Board under paragraph (1), the Director shall establish, in accordance with section 101(f)(4), and implement a plan for--

(A) supporting the education and training of judges, attorneys, and law enforcement personnel in the forensic sciences and fundamental scientific principles, which shall include education on the competent use and evaluation of forensic science evidence; and

(B) developing a standardized curriculum for education and training described in subparagraph (A).

(3) OVERSIGHT- The Director, in consultation with the Board, shall periodically evaluate and, as necessary, update the plan established under paragraph (2).

(b) Grant Program-

(1) IN GENERAL- The Director of the National Institute of Justice may, in consultation with the Director--

(A) provide technical assistance directly or indirectly to judges, attorneys, and law enforcement personnel in the forensic sciences and fundamental scientific principles, including the competent use and evaluation of forensic science evidence; and

(B) make grants to States and units of local government and nonprofit organizations or institutions to provide training to judges, attorneys, and law enforcement personnel about the forensic sciences and fundamental scientific principles, including the competent use and evaluation of forensic science evidence.

(2) REQUIREMENT- On and after the date on which the Director establishes the plan for supporting the education and training of judges, attorneys, and law enforcement personnel in the forensic sciences and fundamental scientific principles under subsection (a)(2), the Director of the National Institute of Justice shall administer the grant program described in paragraph (1) in accordance with the plan.

(3) AUTHORIZATION OF APPROPRIATIONS-

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

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

SEC. 602. EDUCATIONAL PROGRAMS IN THE FORENSIC SCIENCES.

(a) Recommendations- Not later than 3 years after the date of enactment of this Act, the Board shall submit to the Director--

(1) a recommended plan for supporting the development of undergraduate and graduate educational programs in the forensic science disciplines and related fields; and

(2) recommendations as to whether the development of standards or requirements for educational programs in the forensic science disciplines and related fields is appropriate.

(b) Establishment and Implementation- Upon receipt of the recommendation from the Board under subsection (a), the Director shall establish, in accordance with section 101(f)(4), and implement--

(1) a plan for supporting the development of undergraduate and graduate educational programs in the forensic science disciplines and related fields; and

(2) any standards or requirements for education programs in the forensic science disciplines and related fields determined by the Director to be appropriate.

(c) Existing Qualified Professional Organizations- In recommending, establishing, and implementing the plan and standards set forth in subsections (a) and (b), the Board and the Director shall consider the role of qualified professional organizations that accredit forensic science education programs, and any standards developed by such qualified professional organizations.

(d) Oversight- The Director, in consultation with the Board, shall--

(1) oversee the implementation of any standards or requirements established under subsection (b); and

(2) periodically evaluate and, as necessary, update the plan, standards, or requirements established under subsection (b).

SEC. 603. MEDICOLEGAL DEATH INVESTIGATION.

(a) Recommendations- Not later than 3 years after the date of enactment of this Act, the Board shall submit to the Director--

(1) a recommended plan to encourage the Federal Government and State and local governments to implement systems to ensure that qualified individuals perform medicolegal death investigations and to encourage qualified individuals to enter the field of medicolegal death investigation; and

(2) recommendations on whether and how the requirements, standards and regulations established under this Act should apply to individuals who perform medicolegal death investigations.

(b) Establishment and Implementation- Upon receipt of the recommendations from the Board under subsection (a), the Director shall establish, in accordance with section 101(f)(4), and implement--

(1) a plan to encourage the Federal Government and State and local governments to implement systems to ensure that qualified individuals perform medicolegal death investigations and to encourage qualified individuals to enter the field of medicolegal death investigation; and

(2) any specific or additional standards or requirements for individuals who perform medicolegal death investigations determined by the Director to be appropriate.

(c) Oversight- The Director, in consultation with the Board, shall--

(1) oversee the implementation of any standards or requirements established under subsection (b)(2); and

(2) periodically evaluate and, as necessary, update the plan, standards, and requirements established under subsection (b).

SEC. 604. INTER-GOVERNMENTAL COORDINATION.

The Board and the Director shall regularly--

(1) coordinate with relevant Federal agencies, including the National Institute of Science and Technology, the National Science Foundation, the Department of Defense, the Centers for Disease Control and Prevention, and the National Institutes of Health, as appropriate, to make efficient and appropriate use of research expertise and funding; and

(2) coordinate with the Department of Homeland Security and other relevant Federal agencies to determine ways in which the forensic science disciplines may assist in homeland security and emergency preparedness.

(3) coordinate with the United States intelligence community to make efficient and appropriate use of research and new technologies suitable for forensic science.

SEC. 605. ANONYMOUS REPORTING.

Not later than 3 years after the date of enactment of this Act, the Director shall develop a system for any individual to provide information relating to compliance, or lack of compliance, with the requirements, standards, and regulations established under this Act, which may include a hotline or website that has appropriate guarantees of anonymity and confidentiality and protections for whistleblowers.

SEC. 606. INTEROPERABILITY OF DATABASES AND TECHNOLOGIES.

(a) Recommendations- Not later than 3 years after the date of enactment of this Act, the Board shall submit to the Director a recommended plan to require interoperability among databases and technologies in each of the forensic science disciplines among all levels of Government, in all States, and where permitted by law, with the private sector.

(b) Establishment and Implementation- Upon receipt of the recommendation from the Board under subsection (a), the Director shall establish, in accordance with section 101(f)(4), and implement a plan to encourage interoperability among databases and technologies in each of the forensic science disciplines among all levels of Government, in all States, and where permitted by law, with the private sector.

(c) Oversight- The Director, in consultation with the Board, shall evaluate and, as necessary, update the plan established under subsection (b).

SEC. 607. CODE OF ETHICS.

(a) Recommendations-

(1) IN GENERAL- Not later than 2 years after the date of enactment of this Act, the Board shall submit to the Director a recommended code of ethics for the forensic science disciplines.

(2) REQUIREMENTS- In developing a recommended code of ethics under paragraph (1), the Board shall--

- (A) consult with relevant qualified professional organizations; and
- (B) consider any recommendations relating to a code of ethics or code of professional responsibility developed by the Subcommittee on Forensic Science of the National Science and Technology Council.

(b) Establishment and Incorporation- Upon receipt of the recommendation from the Board under subsection (a), the Director shall--

(1) in accordance with section 101(f)(4), establish a code of ethics for the forensic science disciplines; and

(2) as appropriate, incorporate the code of ethics into the standards for accreditation of forensic science laboratories and certification of relevant personnel established under this Act.

(c) Oversight- The Director, in consultation with the Board, shall periodically evaluate and, as necessary, update the code of ethics established under subsection (b).

SEC. 608. NEEDS ASSESSMENT.

(a) Not later than 18 months after the date of enactment of this Act, the Director shall conduct a needs assessment of state and local forensic service providers, to include law enforcement agencies and medicolegal death examiners, in order to evaluate the capacity and resource needs of those providers. Such a needs assessment shall address the

technology, equipment, personnel, recruitment, training, education, and research needs of those state and local forensic service providers.

(b) Not later than 2 years after the date of enactment of this Act, the Director shall develop a national strategy for developing the capacity and resources of state and local forensic science providers and for addressing the needs identified in the assessment conducted pursuant to subsection (a).

(c) Not less frequently than once every 5 years, the Director shall update the assessment conducted under subsection (a) and the national strategy developed under subsection (b).