



CONSORTIUM OF FORENSIC SCIENCE ORGANIZATIONS (CFSO)

2021 YEAR SUMMARY

JANUARY 2022

The mission of the CFSO is to speak with a single voice on behalf of its member organizations in matters of mutual interest regarding forensic science, to influence legislative matters and public policy, and to make a compelling case for greater funding for public forensic science service providers and forensic medicine service providers.

2021 CFSO Year in Review

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2021 was a busy and productive year for CFSO and we are looking forward to an equally eventful 2022. We have compiled for you the highlights of our activity in 2021 and we will continue to update you on our 2022 activity as the year progresses. If you have any questions about this or any other matters relating to policy, please don't hesitate to call the CFSO representative for your member organization. Our Board will be presenting at the American Academy meeting on 2/21/2022 at 5:30pm at the Seattle Downtown Sheraton Hotel and we welcome you to come listen to our agenda and priorities for 2022.

Providing information to our community is very important to the CFSO. As such, we have embarked on updating our website. The website was redesigned to allow for RSS feeds, be more customer friendly, and communicate more information. The update has been well received by the member organizations and external stakeholders. If you have a policymaker visiting or calling your office, we hope that you will go to the website and access some of our sample briefing documents. (www.thecfso.org)

Communications

CFSO continues to work on communication through our newsletters to provide our members information on many important topics. CFSO also issued many briefings to the member Boards and the general membership. Written briefings were provided to the general membership regarding fentanyl scheduling hearings held by Congress, the infrastructure bill passed by Congress, and two briefings (June and December) were provided to the membership on federal budget items that impact forensic science. CFSO also provided the membership with a written briefing in December on the status of funding for forensic science SDOs.

Administration Meetings

The CFSO Board of Directors and Member Organization Presidents met with the transition team for the incoming administration. Upon briefing them of the priorities of the forensic science community we provided a priorities document to assist them in developing budgets and policies.

Department of Justice

At the start of the year, CFSO sent a letter to the Attorney General emphasizing these important priorities and followed up with several discussions with key members of the staff including the Director of the Office of Justice Programs. One of the key matters brought up to the Administration and the White House was the increasing number of firearms cases in laboratories around the country. The CFSO encouraged the Biden Administration to put a priority on firearms examiner training at the ATF and putting more resources into addressing this crisis. Meetings were also held with the ATF regarding their current training academy and efforts to expand those training opportunities and this will continue to be a priority in the 2022.

Department of Commerce

Several meetings were held with NIST leadership to communicate the importance of the OSAC effort, research and development, and the development of grants for SDOs.

Department of HHS

CDC's role in forensic science is growing and is critical to ensuring the proper investigation and identification of threats to the public health and safety. CFSO has requested HHS to continue to fully to fund the Opioid Overdose Prevention program, State Unintentional Drug Overdose Reporting System (SUDORS), and the National Violent Death Reporting System (NVDRS).

White Papers/Education

Education of policymakers is a key focus for CFSO. As we entered the new year, we authored numerous white papers to assist in the development of policy. These documents have also been repurposed for other audiences throughout the year. The following is a list of policy "white papers" that are available on the CFSO website that were provided to policy makers this year:

- Forensic Standards Development
- Reducing Violence Through the Efficient and Effective Analysis and Comparison of Firearms Related Crime Scene Evidence
- Need to Authorize, Appropriate, and Support NamUs
- Needs Assessment of Forensic Sciences
- Opioid and Emerging Drug Issues in Toxicology Laboratories

Legislative Efforts

We thought that 2020 was different as far as government relations went, but then 2021 arrived. Different became normal. Congress remains mostly remote with most work being done over video and teleconference, and that is the new norm. 2022 is expected to operate in the same manner. It was a year filled with activity, and the CFSO was certainly busy. 2022 will be a continuation of these efforts, and we expect to see the completion of many long-term efforts. You will find below a summary of those efforts with the forecast of what efforts are needed in the coming months. While we had input into several other pieces of legislation this year, they have not moved forward yet. 2022, however, will be a year that will move at a rapid pace in the beginning and then come to a screeching halt as the mid-term elections approach.

The Justice for All Authorization (JFAA)

As defined by the Appropriations Committee, “authorization laws have two basic purposes. They establish, continue, or modify federal programs, and they are a prerequisite under House and Senate rules (and sometimes under statute) for the Congress to appropriate budget authority for programs. When such an authorization expires, the Congress may choose to extend the life of a program by passing legislation commonly referred to as a reauthorization.”

In the case of the JFA, the authorization has been and continues to be for five years. The Justice for All Reauthorization Act is just that, a “re-authorization” of many forensic science related grant programs. Last authorized in 2016, this legislation was due to be updated in 2021. As such, we began work with Congress several years ago to update the language. At the close of 2021 we completed discussions, and a draft was approved by the CFSO and the Innocence Project. At that time, other interest groups were provided the text to review, and introduction of the bill is expected in January 2022. In short, the bill updates the Paul Coverdell Forensic Science Improvement Grants, the Innocence Protection Act, the Wrongful Conviction Review Grant Program, the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program, and the DNA Sexual Assault Justice Act. JFA also realigns the Office of Investigative Forensic Sciences currently under NIJ to report directly to OJP, a higher level in the organizational structure at DOJ. This move allows more focus more on operational matters and strategic planning important to the forensic science community. Of note, the authorization for the Paul Coverdell Grants has been increased to \$50 million a year.

Medical Examiner/NamUs Bill

The forensic pathology community has long suffered from a workforce shortage. This problem has been exacerbated by mass disasters, the opioid crisis, and the COVID-19 pandemic. The CFSO began to work with Congress to find solutions to this crisis several years ago. Many of those solutions, such as student loan forgiveness and funding of forensic pathology fellowships, are included in this bill. The bill also authorizes NamUs for the first time and provides a funding line for this program. NamUs has been previously funded by NIJ, but until now it has not been an authorized program. This legislation is expected to be introduced in January of 2022.

Fentanyl Rescheduling

There have been several hearings addressing the scheduling of fentanyl, including the latest on December 2, 2021. Currently, the continuing resolution extended temporary legal control of fentanyl-related substances in schedule I until its expiration on February 18, 2022. During the hearing, the Administration recommended the following:

First, permanently schedule all unscheduled FRS into Schedule 1 in accordance with the Controlled Substances Act of the CSA; second, for these class scheduled FRS, exclude quantity-based mandatory minimum penalties normally associated with domestic trafficking of Schedule 1 substances. This exemption does not apply, however, where there is a direct link to death or serious bodily injury; third, create a streamlined process overseen by HHS to remove or reschedule any FRS found not to have a high potential for abuse as defined in the CSA; fourth, ensure a Federal court is able to vacate or reduce the sentence of an individual convicted of an offense involving an FRS that is subsequently removed or rescheduled from Schedule 1; fifth, establish a simplified process to align research registration for all Schedule 1 substances, including FRS, more closely with the research registration process for Schedule 2 substances; and, finally, direct the Government Accountability Office to analyze the implementation of permanent class scheduling of FRS, including its impact on research, civil rights, and the illicit manufacturing and trafficking of these dangerous substances.

As the hearing demonstrated, there continues to be debate on the sentencing aspect of this proposal.

NIST Legislation

Work continued with the House and Senate Science Committees to address standards development, the need to continue the OSAC, and the support for the standards development organizations. As Congress moved toward recess, we were able to come to agreement on the authorization of grants for Standards Development Organizations. See the language here <https://thecfso.org/wp-content/uploads/2022/01/Public-SDO-Funding-Update-Letter.pdf>

Forensic Science Week

The CFSO again worked with Congress to introduce federal legislation recognizing forensic science week. We would like to recognize Senator Crapo and Senator Feinstein for their continued support on this effort.

Other Legislation

There were numerous inquiries from Members of Congress regarding matters of interest to the forensic science community. While those issues varied, DNA continued to be the most prevalent inquiry. We worked with policymakers to assist in educating them and their staff as well as reviewing potential legislation.

BJS Census

The CFSO spoke out strongly about the importance of the BJS census exercises for the forensic community. CFSO responded to public comment opportunities about these engagements and emphasized the importance of making these studies more regular and the results available in a timely basis to the community. CFSO also engaged BJS in a discussion about the importance of not only the Census of Publicly Funded Crime Laboratories, but the Medical Examiner/Coroner Offices and digital forensics laboratories.

Appropriations

The budget for FY22 remains under a continuing resolution until March 11, 2022. Below is a chart of where each program stands and a copy of the latest budget memo. Detail on language can be found here <https://thecfso.org/wp-content/uploads/2021/05/Budget-Briefing-for-CFSO-Membership.pdf>

Department of Justice	FY21 final	FY22 proposed	House FY22	Senate FY22
Byrne JAG	\$484,000,000	\$513,500,000	\$684,469,000	\$640,283,000
NamUs	\$2,400,000	\$5,000,000	\$2,400,000 ¹	\$5,000,000
Paul Coverdell Grants	\$33,000,000	\$35,000,000	\$33,000,000	\$35,000,000
DNA Initiative	\$141,000,000	\$147,000,000	\$158,000,000	\$151,000,000
Debbie Smith DNA Grants	\$110,000,000	\$112,000,000	\$120,000,000	\$120,000,000
State, Local and Federal Forensic Activities	\$19,000,000	\$19,000,000	\$19,000,000	\$15,000,000

¹ Carve out in Byrne JAG funding

Kirk Bloodsworth Post Conviction DNA	\$8,000,000	\$12,000,000	\$13,000,000	\$12,000,000
Sexual Assault Forensic Exam Program	\$4,000,000	\$4,000,000	\$6,000,000 ²	\$4,000,000
Community Teams to Reduce the Sexual Assault Kit Backlog (SAKI)	\$48,000,000	\$100,000,000	\$60,000,000	\$60,000,000
National Center on Forensics	\$4,000,000	\$4,000,000	\$4,000,000 ³	0
NIJ Research, Development and Evaluation		\$41,000,000 ⁴	\$45,000,000	\$41,000,000
ATF Forensic Services to conduct DNA analysis on fired cartridge casings	n/a	\$4,300,000		
John R Justice Student Loan Repayment	n/a	\$2,000,000	\$4,000,000 ⁵	
Regional Sexual Assault investigative training academies	0	\$20,000,000	\$20,000,000	0
Department of Commerce				
Forensic Science Research	N/A	N/A	\$22,000,000	+\$2,000,000
OSAC	\$3,150,000	\$3,150,000	(\$3,500,000)	(\$3,150,000)
Technical Merit	\$1,200,000	\$1,200,000	(\$1,500,000)	(\$1,200,000)
Department of Health (CDC)				
National Violent Death Reporting System	\$24,500,000	\$34,500,000	\$34,500,000	\$25,000,000
Opioid Overdose Prevention and Surveillance	\$475,600	\$663,369,000	\$663,369,000	\$663,369,000
Public Health Infrastructure and Capacity			\$1,000,000,000	

² \$2m increase “shall be expended to establish a Forensic Nursing Center of Excellence”

³ Carve out in Byrne JAG funding

⁴ This funding is to “support high-quality research, development, and evaluation in the forensic, social and physical sciences”.

⁵ Carve out in Byrne JAG funding