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**CFSO 2/14/17 Revision**

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

**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.

**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.

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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, with a minimum of 5 years’ experience both as a forensic science practitioner and as director or senior manager of an accredited, public, forensic science agency.

(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 Institute 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, with experience as a forensic science practitioner and as director or senior manager of an accredited, public, forensic science agency.

(C) the full time equivalent staff positions, detailed positions and contractors from the Office of Investigative and Forensic Sciences, and

(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.

88 (f) DEADLINE—Not later than 180 days after the date of enactment of this Act, the initial  
89 appointments, selections, and detailing under paragraph (c), and the transition of the  
90 Office of Investigative and Forensic Sciences to the OFS shall be completed.  
91

92 (g) VACANCY—In the event of a vacancy in the position of Director—  
93 (1) the Deputy Director shall be the acting Director until a Director is appointed.  
94

95 (h) LIAISON— If no detailed positions are filled under paragraph (c)(i)(D)(i) above, the  
96 Directors of the National Science Foundation (NSF), the National Institute of Standards  
97 and Technology (NIST), and Centers for Disease Control and Prevention (CDC) in  
98 consultation with the Director and the Deputy Director of OFS, shall designate a liaison  
99 at their respective agencies to facilitate communication between the Office and NSF and  
100 NIST respectively.  
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102 (i) INDEPENDENCE –

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104 (1) The Director shall have final authority over all grants, cooperative agreements,  
105 and contracts awarded by the Office of Forensic Science.  
106 (2) Activities covered by the Office of Forensic Science shall be shielded from  
107 inappropriate political and other external or internal influences, and no  
108 Department employee, contractor, or detailee shall inappropriately suppress or  
109 alter scientific, technological or research findings or condone such activities. All  
110 other provisions of the U.S. Department of Justice Scientific and Research  
111 Integrity Policy (July 29, 2013) shall apply.

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113 (j) DUTIES AND AUTHORITY—  
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115 (1) IN GENERAL —The Office shall  
116 (A) have all those authorities relating to forensic science as those authorities  
117 prescribed for the National Institute of Justice in 42 U.S.C. § 3722(c);  
118 (B) advise the Attorney General, Deputy Attorney General, and Assistant  
119 Attorney General for OJP on forensic science issues;  
120 (C) provide assistance to the Deputy Attorney General to facilitate forensic  
121 science initiatives;  
122 (D) provide oversight of the Department of Justice’s Forensic Science  
123 Discipline Reviews and Uniform Language for Testimony and Reports;  
124 (E) coordinate the federal forensic science research agenda among all  
125 departments and agencies of the federal government;  
126 (F) assume and execute the responsibilities of the former Office of  
127 Investigative and Forensic Sciences, including the awarding of grants;  
128 (G) assist the Forensic Science Board in carrying out all the functions of the  
129 Board under this Act and such other related functions as are necessary to  
130 perform the functions; and  
131 (H) evaluate the recommendations of the Board and take appropriate action.  
132

- 133 (2) SPECIFIC RESPONSIBILITIES —The Director, in consultation with the  
134 Deputy Director, shall—
- 135 (A) work to ensure that appropriate accreditation, certification, standards,  
136 methods, best practices and organizations exist for forensic disciplines.
- 137 (B) work to secure funding and resources are available to assist forensic  
138 science service providers and forensic science practitioners in meeting  
139 national and international forensic science standards, methods, best practices,  
140 and certification and accreditation requirements;
- 141 (C) coordinate with and facilitate distribution and implementation of the work  
142 products of the work of the National Institute of Standards and Technology's  
143 Office of Scientific Area Committees (OSAC);
- 144 (D) encourage and support accreditation of all federal, state, local, and tribal  
145 forensic science service providers, and certification of forensic science  
146 service practitioners and technicians through federal funding of initial and  
147 ongoing efforts;
- 148 (E) generate annual reports by July 1 of each year on the status of federal  
149 forensic science research within the government for distribution to the  
150 Attorney General, the Senate Judiciary and Commerce, Science, and  
151 Transportation Committees, the House Judiciary and Science, Space, and  
152 Technology Committees, the National Science Foundation, and the National  
153 Institute of Standards and Technology.
- 154 (F) administer grant programs appropriate to the mission of the Office, to  
155 include grant programs for forensic science capacity building, forensic  
156 science research, and medicolegal death investigation;
- 157 (G) generate annual reports on the status and needs of the forensic science  
158 community, including medicolegal death investigators, medical examiners  
159 and coroners, and forensic nurses for distribution to the Attorney General, the  
160 Senate Judiciary and Commerce, Science, and Transportation Committees,  
161 the House Judiciary and Science, Space, and Technology Committees, the  
162 National Science Foundation, and the National Institute of Standards and  
163 Technology.
- 164 (H) act as a spokesperson on behalf of the OFS before the Administration,  
165 Congress, and other stakeholder entities;
- 166 (I) perform all other functions for the Office under this Act and such other  
167 related functions as are necessary to perform the functions of the Office  
168 described in this Act;
- 169 (J) interface and liaison with non-federal, public and private forensic service  
170 providers;
- 171 (K) coordinate with components of the Department of Justice to create and  
172 disseminate forensic science primers for federal, state, county, local and  
173 Tribal prosecutors;
- 174 (L) provide assistance for forensic science training within the Department of  
175 Justice and state, county, local, and tribal forensic science service providers;
- 176 (M) provide and maintain sections of USABook and U.S. Attorneys' Manual  
177 pertaining to forensic science;

- 178 (N) fund and host Working Groups to assist the Board in identifying and  
179 assessing forensic science technical and operational requirements, and  
180 solutions to forensic science practitioner needs;  
181 (O) establish and maintain a repository for current and past forensic science  
182 research and related materials that have been collected and cataloged will be  
183 made available to all interested parties; and  
184 (P) establish and maintain a public website for dissemination of information.  
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186 (3) **ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR** -- The director  
187 shall--

- 188 (A) coordinate and collaborate among other federal agencies related to  
189 forensic science policy including the Council of Federal Forensic Laboratory  
190 Directors;  
191 (B) collaborate among the various private forensic science organizations and  
192 associations on policy, and the status and needs of the forensic science  
193 community;  
194 (C) interface between the Department of Justice and the Forensic Science  
195 Board regarding policy proposals and reports.  
196

- 197 (k) **BUDGET** – there shall be authorized a budget for operations, grants and other initiatives  
198 for the OFS which shall include funding in excess of the funding appropriated in FY  
199 2017 for the Office of Investigative and Forensic Sciences for purposes of staffing and  
200 administering the OFS and the Forensic Science Board.  
201

202 **FORENSIC SCIENCE BOARD**  
203

- 204 (a) **IN GENERAL** -- There is established a Forensic Science Board to serve as an advisory  
205 board to the OFS regarding the needs of the forensic science community that will help  
206 promote the use of standards and best practices and ensuring consistency, scientific  
207 validity, and accuracy with respect to medicolegal death investigations, evidence  
208 collection, forensic testing, analysis, identification, and comparisons, the results of  
209 which may be interpreted, presented, or otherwise used during the course of a forensic  
210 investigation or judicial proceeding.  
211

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

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

- 220 • Toxicology
- 221 • DNA
- 222 • Drug Chemistry
- 223 • Fire Evidence

- 224 • Impression Evidence
- 225 • Trace Evidence
- 226 • Firearms/Toolmarks Evidence
- 227 • Crime Scene Investigation
- 228 • Digital Evidence
- 229 • Forensic Document Examination

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

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

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

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

239 (5) one member shall be a SANE certified forensic nurse that has at least a bachelor  
240 of science degree, with experience as a director or senior manager of a program  
241 providing forensic nursing care to patient populations experiencing criminal violence  
242 and trauma;

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

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

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248 (c) TERMS —

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

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

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

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

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

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

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

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262 (d) DUTIES OF FORENSIC SCIENCE BOARD – The Board shall –

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

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

268 (3) promote and support —

- 269 (A) accreditation, certification, and research programs and procedures  
270 established under this Act; and  
271 (B) use of national and international standards and best practices by forensic  
272 science service providers; and  
273 (C) review and update, as appropriate, any recommendations made under  
274 paragraph (1); and  
275 (D) perform all other functions of the Board under this Act and such other  
276 related functions as are necessary to perform the functions of the Board.  
277 (4) the Forensic Science Board may form subcommittees and task groups of  
278 individuals on the Board and members invited by the Board to participate;  
279 (5) the Forensic Science Board shall meet in-person at least twice a year, providing  
280 funds are available;  
281 (6) the Forensic Science Board shall also meet with or otherwise communicate with  
282 the Council of Federal Forensic Laboratory Directors and Department of Justice  
283 laboratory directors.  
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286 (e) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT —

- 287 (1) IN GENERAL —Subject to paragraphs (2) and (3), the Federal Advisory  
288 Committee Act (5 U.S.C. App.) shall apply to the Forensic Science Board.  
289 (2) TERMINATION PROVISION —Section 14(a)(2) of the Federal Advisory  
290 Committee Act (5 U.S.C. App.) shall not apply to the Forensic Science Board.  
291 (3) COMPENSATION OF MEMBERS —Members of the Forensic Science Board  
292 shall serve without compensation for services performed for the Board.  
293 (4) TRAVEL EXPENSES —The members of the Forensic Science Board shall be  
294 allowed travel expenses, including per diem in lieu of subsistence, at rates authorized  
295 for employees of agencies under subchapter I of chapter 57 of title 5, United States  
296 Code, while away from their homes or regular places of business in the performance  
297 of services for the Board.  
298 (5) DESIGNATED FEDERAL OFFICER —In accordance with the Federal  
299 Advisory Committee Act (5 U.S.C. App.), the Director shall—  
300 (A) serve as the designated Federal officer; and  
301 (B) designate a committee management officer for the Forensic Science  
302 Board.  
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