

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 4609
OFFERED BY MS. JOHNSON OF TEXAS AND
MR. FEENSTRA OF IOWA**

Page 37, insert after line 8 the following:

1 **SEC. 214. FACILITATING DEVELOPMENT AND DISTRIBUTION OF FORENSIC SCIENCE STANDARDS.**
2

3 (a) ORGANIZATION OF SCIENTIFIC AREA COMMITTEES FOR FORENSIC SCIENCE.—
4

5 (1) ESTABLISHMENT.—The Director shall establish in the Institute an organization to facilitate
6 the development of forensic science standards.
7

8 (2) DESIGNATION.—The organization established under paragraph (1) shall be known as the
9 “Organization of Scientific Area Committees for Forensic Science”.
10
11

12 (3) COMPOSITION.—The Organization shall be composed of the following:
13

14 (A) The Forensic Science and Standards Board established under subsection (b).
15

16 (B) Each scientific area committee established under subsection (c).
17

18 (4) DUTIES OF THE ORGANIZATION.—The duties of the Organization are as follows:
19

1 (A) Facilitating the development and dis-
2 tribution of scientifically sound, consensus-
3 based documentary standards and guidelines for
4 forensic science, including through formal col-
5 laboration with nongovernmental standards de-
6 velopment organizations.

7 (B) Establishing a registry of scientifically
8 sound forensic science standards and guidelines
9 approved and endorsed by the Organization.

10 (C) Establish a process for regularly re-
11 evaluating existing standards and guidelines
12 published for placement on the registry estab-
13 lished under subparagraph (B).

14 (D) Promoting the adoption by the foren-
15 sic science community of the standards and
16 guidelines described in subparagraph (A) and
17 as included in the registry established under
18 subparagraph (B).

19 (b) FORENSIC SCIENCE STANDARDS BOARD.—

20 (1) ESTABLISHMENT.—The Director shall es-
21 tablish in the Organization a board to oversee the
22 operations of the Organization and its committees.

23 (2) DESIGNATION.—The board established
24 under paragraph (1) shall be known as the “Foren-
25 sic Science Standards Board”.

1 (3) COMPOSITION.—The Board shall be com-
2 posed of the following:

3 (A) Members selected by the Director to
4 serve on the Board from among each of—

5 (i) members of the forensic science
6 community;

7 (ii) scientists and engineers with rel-
8 evant expertise at institutions of higher
9 education and other nonprofit research or-
10 ganizations;

11 (iii) statisticians;

12 (iv) a representative of each of the
13 task groups established under subsection
14 (d), as the Director considers appropriate;
15 and

16 (v) such other communities or sectors
17 as the Director considers appropriate.

18 (B) The chairpersons of the scientific area
19 committees established under subsection (c).

20 (4) DUTIES.—The duties of the Board are as
21 follows:

22 (A) Overseeing all operations of the Orga-
23 nization, including the committees of the Orga-
24 nization.

1 (B) Establishing governance rules and
2 policies for the Organization.

3 (C) Facilitating communication within the
4 Organization and between the Organization, the
5 criminal justice community, and the forensic
6 science community.

7 (D) Overseeing the reviewing and approv-
8 ing process of standards to be added to the reg-
9 istry established under subsection (a)(4)(B).

10 (5) AUTHORITY TO APPROVE STANDARDS FOR
11 LISTING IN REGISTRY OF FORENSIC SCIENCE STAND-
12 ARDS AND GUIDELINES.—The Board may approve
13 standards for listing on the registry established
14 under subsection (a)(4)(B).

15 (c) SCIENTIFIC AREA COMMITTEES.—

16 (1) ESTABLISHMENT.—The Director shall es-
17 tablish one or more scientific area committees to
18 carry out the work of the Organization.

19 (2) MEMBERSHIP.—

20 (A) COMPOSITION.—Each scientific area
21 committee established under paragraph (1)
22 shall be composed of the following:

23 (i) The chairperson of the scientific
24 area committee.

1 (ii) The vice chairperson of the sci-
2 entific area committee.

3 (iii) The chairperson of each sub-
4 committee established under paragraph (3)
5 for each scientific area committee under
6 paragraph (1).

7 (B) CHAIRPERSON AND VICE CHAIR-
8 PERSON.—

9 (i) IN GENERAL.—For each scientific
10 area committee established under para-
11 graph (1), the Director shall appoint a
12 chairperson and a vice chairperson for the
13 scientific area committee from among indi-
14 viduals with expertise in the subject area
15 of the scientific area committee.

16 (ii) SERVICE.—Each chairperson and
17 vice chairperson appointed under clause (i)
18 shall serve as a chairperson or vice chair-
19 person at the pleasure of the Director.

20 (3) SUBCOMMITTEES.—

21 (A) ESTABLISHMENT.—The Director may
22 establish such subcommittees in a scientific
23 area committee established under paragraph (1)
24 as the Director considers appropriate to assist
25 in the work of the scientific area committee.

1 (B) MEMBERSHIP.—Each subcommittee
2 established under subparagraph (A) shall be
3 composed of such members selected by the Di-
4 rector from among the following:

5 (i) Forensic science practitioners.

6 (ii) Scientists and engineers at institu-
7 tions of higher education and other non-
8 profit research organizations.

9 (iii) Statisticians.

10 (iv) Representatives of the legal com-
11 munity.

12 (v) Such others as the Director con-
13 siders appropriate for purposes of this sec-
14 tion.

15 (4) DUTIES.—The duties of a scientific area
16 committee established under paragraph (1) shall be
17 as follows:

18 (A) Coordinating the operation and activi-
19 ties of specific forensic science discipline sub-
20 committees in order to encourage communica-
21 tion across all subject and discipline specific
22 subcommittees.

23 (B) Providing opportunity to the public to
24 engage the forensic science community in mat-

1 ters relating to priorities, standards, and guide-
2 lines.

3 (C) Address topics of high importance to
4 the forensic community, such as matters relat-
5 ing to the following:

6 (i) Biology.

7 (ii) Chemistry, including—

8 (I) matters relating to seized
9 drugs and toxicology; and

10 (II) matters relating to trace evi-
11 dence.

12 (iii) Scene examination.

13 (iv) Medicine.

14 (v) Digital and multimedia.

15 (vi) Physics and pattern interpreta-
16 tion.

17 (vii) Computational forensic algo-
18 rithms.

19 (D) Furthering the development of stand-
20 ards under subsection (e)(1) and other guide-
21 lines.

22 (d) RESOURCE TASK GROUPS.—

23 (1) ESTABLISHMENT.—The Director, acting
24 through the Board, shall establish legal, human fac-
25 tors, quality, and statistics task groups to support

1 and assist the Organization with matters relating to
2 questions of law, human factors, ethical and social
3 implications of technology, workflow processes, qual-
4 ity assurance, and statistics.

5 (2) MEMBERSHIP.—The Director, acting
6 through the Board, shall ensure that each task
7 group established under paragraph (1) is composed
8 of voting members of the subcommittees established
9 under subsection (c)(3) who have relevant expertise.

10 (3) CHAIRPERSONS.—The Director, acting
11 through the Board, shall appoint a chairperson of
12 each task group established under paragraph (1).

13 (e) FORENSIC SCIENCE STANDARDS DEVELOPMENT
14 PROCESS.—

15 (1) STANDARDS DEVELOPMENT PROCESS.—The
16 Director, acting through the Organization, shall im-
17 plement a process to facilitate the development of
18 scientifically sound, consensus- based forensic stand-
19 ards and guidelines, consistent with the duties de-
20 scribed for each entity established under this section.

21 (2) TECHNICAL REVIEW.—

22 (A) PROCESS REQUIRED.—The Director
23 shall establish a process for technical peer re-
24 view to provide feedback on a draft of a stand-
25 ard or guideline to a relevant subcommittee of

1 a scientific area committee before such stand-
2 ard or guideline is submitted to a nongovern-
3 mental standards development organization or
4 submitted for inclusion in a registry of forensic
5 standards or guidelines.

6 (B) PARTICIPANTS.—The process estab-
7 lished under subparagraph (A)—

8 (i) may include members of the Orga-
9 nization; and

10 (ii) shall include additional volunteer
11 experts from the forensic science commu-
12 nity and the academic research community.

13 (3) PUBLIC COMMENT.—

14 (A) IN GENERAL.—The Director shall pro-
15 vide for public comment on draft standards
16 prior to inclusion in the registry of forensic
17 science standards and guidelines established
18 under subsection (a)(4)(B).

19 (B) COMMENTS FROM RESEARCH TASK
20 GROUPS.—The Director shall ensure that—

21 (i) each resource task group estab-
22 lished under subsection (d) may submit, as
23 a group, comments on draft standards de-
24 scribed in subparagraph (A); and

1 (ii) any comments submitted under
2 clause (i), and any adjudication of such
3 comments by the Organization, are made
4 available to the public.

5 (4) SUBMISSION TO STANDARDS DEVELOPING
6 ORGANIZATION.—The Director shall ensure that
7 standards proposed by the Organization and ap-
8 proved for the registry of forensic science standards
9 and guidelines established under subsection
10 (a)(4)(B) are submitted to a nongovernmental
11 standards development organization for review and
12 formal adoption as standard.

13 (5) GRANTS.—The Director shall award grants
14 through a competitive process—

15 (A) to support activities under paragraph
16 (3); and

17 (B) to ensure that the standards approved
18 for inclusion in the registry of forensic science
19 standards and guidelines required by subsection
20 (a)(4)(B) are submitted to a nongovernmental
21 standards development organization.

22 (f) FORENSIC STANDARDS FOR AUTHENTICATING
23 DIGITAL EVIDENCE.—

24 (1) FURTHERING DEVELOPMENT OF STAND-
25 ARDS.—

1 (A) IN GENERAL.—The subcommittee ad-
2 dressing digital and multimedia, or any suc-
3 cessor thereto, shall develop standards for vali-
4 dating or assessing the authenticity of digital
5 content, including content created by tech-
6 nologies that synthesize or manipulate digital
7 content such as deepfakes.

8 (B) COLLABORATION.—In carrying out
9 subparagraph (A), the subcommittee described
10 in such subparagraph shall collaborate with the
11 forensic science community and experts who
12 study advanced techniques for digital content
13 manipulation, including those in academia and
14 government entities such as the Defense Ad-
15 vanced Research Projects Agency (DARPA).

16 (2) RESOURCE DEVELOPMENT.—The Organiza-
17 tion shall develop and compile resources and mate-
18 rials for use by the forensic science community in
19 developing standards to authenticate digital mate-
20 rials.

21 (3) CONGRESSIONAL BRIEFING.—Not later than
22 1 year after the date of the enactment of this Act,
23 the Director shall provide the appropriate commit-
24 tees of Congress a briefing on the status of efforts
25 undertaken pursuant to this subsection.

Page 1, in the table of contents, insert after the matter relating to section 213 the following:

Sec. 214. Facilitating development and distribution of forensic science standards.

