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:

SEC. 214. FACILITATING DEVELOPMENT AND DISTRIBUTION OF FORENSIC SCIENCE STANDARDS.

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

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

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

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

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

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

(4) DUTIES OF THE ORGANIZATION.—The duties of the Organization are as follows:
(A) Facilitating the development and distribution of scientifically sound, consensus-based documentary standards and guidelines for forensic science, including through formal collaboration with nongovernmental standards development organizations.

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

(C) Establish a process for regularly re-evaluating existing standards and guidelines published for placement on the registry established under subparagraph (B).

(D) Promoting the adoption by the forensic science community of the standards and guidelines described in subparagraph (A) and as included in the registry established under subparagraph (B).

(b) FORENSIC SCIENCE STANDARDS BOARD.—

(1) Establishment.—The Director shall establish in the Organization a board to oversee the operations of the Organization and its committees.

(2) Designation.—The board established under paragraph (1) shall be known as the “Forensic Science Standards Board”.
(3) COMPOSITION.—The Board shall be composed of the following:

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

(i) members of the forensic science community;

(ii) scientists and engineers with relevant expertise at institutions of higher education and other nonprofit research organizations;

(iii) statisticians;

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

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

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

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

(A) Overseeing all operations of the Organization, including the committees of the Organization.
(B) Establishing governance rules and policies for the Organization.

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

(D) Overseeing the reviewing and approving process of standards to be added to the registry established under subsection (a)(4)(B).

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

(c) SCIENTIFIC AREA COMMITTEES.—

(1) ESTABLISHMENT.—The Director shall establish one or more scientific area committees to carry out the work of the Organization.

(2) MEMBERSHIP.—

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

(i) The chairperson of the scientific area committee.
(ii) The vice chairperson of the scientific area committee.

(iii) The chairperson of each subcommittee established under paragraph (3) for each scientific area committee under paragraph (1).

(B) CHAIRPERSON AND VICE CHAIRPERSON.—

(i) IN GENERAL.—For each scientific area committee established under paragraph (1), the Director shall appoint a chairperson and a vice chairperson for the scientific area committee from among individuals with expertise in the subject area of the scientific area committee.

(ii) SERVICE.—Each chairperson and vice chairperson appointed under clause (i) shall serve as a chairperson or vice chairperson at the pleasure of the Director.

(3) SUBCOMMITTEES.—

(A) ESTABLISHMENT.—The Director may establish such subcommittees in a scientific area committee established under paragraph (1) as the Director considers appropriate to assist in the work of the scientific area committee.
(B) MEMBERSHIP.—Each subcommittee established under subparagraph (A) shall be composed of such members selected by the Director from among the following:

(i) Forensic science practitioners.

(ii) Scientists and engineers at institutions of higher education and other non-profit research organizations.

(iii) Statisticians.

(iv) Representatives of the legal community.

(v) Such others as the Director considers appropriate for purposes of this section.

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

(A) Coordinating the operation and activities of specific forensic science discipline subcommittees in order to encourage communication across all subject and discipline specific subcommittees.

(B) Providing opportunity to the public to engage the forensic science community in mat-
ters relating to priorities, standards, and guidelines.

(C) Address topics of high importance to the forensic community, such as matters relating to the following:

(i) Biology.

(ii) Chemistry, including—

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

(II) matters relating to trace evidence.

(iii) Scene examination.

(iv) Medicine.

(v) Digital and multimedia.

(vi) Physics and pattern interpretation.

(vii) Computational forensic algorithms.

(D) Furthering the development of standards under subsection (e)(1) and other guidelines.

(d) RESOURCE TASK GROUPS.—

(1) ESTABLISHMENT.—The Director, acting through the Board, shall establish legal, human factors, quality, and statistics task groups to support
and assist the Organization with matters relating to questions of law, human factors, ethical and social implications of technology, workflow processes, quality assurance, and statistics.

(2) Membership.—The Director, acting through the Board, shall ensure that each task group established under paragraph (1) is composed of voting members of the subcommittees established under subsection (e)(3) who have relevant expertise.

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

(e) Forensic Science Standards Development Process.—

(1) Standards development process.—The Director, acting through the Organization, shall implement a process to facilitate the development of scientifically sound, consensus-based forensic standards and guidelines, consistent with the duties described for each entity established under this section.

(2) Technical review.—

(A) Process required.—The Director shall establish a process for technical peer review to provide feedback on a draft of a standard or guideline to a relevant subcommittee of
a scientific area committee before such stand-
ard or guideline is submitted to a nongovern-
mental standards development organization or
submitted for inclusion in a registry of forensic
standards or guidelines.

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

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

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

(3) PUBLIC COMMENT.—

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

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

(i) each resource task group estab-
lished under subsection (d) may submit, as
a group, comments on draft standards de-
scribed in subparagraph (A); and
(ii) any comments submitted under clause (i), and any adjudication of such comments by the Organization, are made available to the public.

(4) Submission to Standards Developing Organization.—The Director shall ensure that standards proposed by the Organization and approved for the registry of forensic science standards and guidelines established under subsection (a)(4)(B) are submitted to a nongovernmental standards development organization for review and formal adoption as standard.

(5) Grants.—The Director shall award grants through a competitive process—

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

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

(f) Forensic Standards for Authenticating Digital Evidence.—

(1) Furthering Development of Standards.—
(A) IN GENERAL.—The subcommittee addressing digital and multimedia, or any successor thereto, shall develop standards for validating or assessing the authenticity of digital content, including content created by technologies that synthesize or manipulate digital content such as deepfakes.

(B) COLLABORATION.—In carrying out subparagraph (A), the subcommittee described in such subparagraph shall collaborate with the forensic science community and experts who study advanced techniques for digital content manipulation, including those in academia and government entities such as the Defense Advanced Research Projects Agency (DARPA).

(2) RESOURCE DEVELOPMENT.—The Organization shall develop and compile resources and materials for use by the forensic science community in developing standards to authenticate digital materials.

(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date of the enactment of this Act, the Director shall provide the appropriate committees of Congress a briefing on the status of efforts 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.