



NATIONAL COMMISSION ON FORENSIC SCIENCE



Bylaws as Amended

Section I: Purpose:

The purpose of the National Commission on Forensic Science (Commission) is to provide recommendations and advice to the Department of Justice concerning national methods and strategies for: strengthening the validity and reliability of the forensic sciences (including medico-legal death investigation); enhancing quality assurance and quality control in forensic science laboratories and units; identifying and recommending scientific guidance and protocols for evidence seizure, testing, analysis, and reporting by forensic science laboratories and units; and identifying and assessing other needs of the forensic science communities to strengthen their disciplines and meet the increasing demands generated by the criminal and civil justice systems at all levels of government.

Section II: Authority

The Commission is established under Agency authority as the Attorney General has determined that its establishment is in the public interest. The Commission is governed in accordance with the provisions of the Federal Advisory Committee Act (FACA), as outlined in the charter filed with the Congress on April 23, 2013.

Section III: Role of Commission Officials

A. Co-Chairs: A representative of the Department of Justice and a representative of the National Institute of Standards and Technology (NIST) shall serve as Co-Chairs. The Co-Chairs work with the Vice-Chairs to establish priorities and identify issues to be addressed by the Commission.

B. Vice-Chairs: A representative of the Department of Justice and a representative of NIST shall be designated by the Co-Chairs to serve as the Commission's Vice-Chairs. The Vice-Chairs facilitate Commission meetings and fulfill the duties of the Co-Chairs in their absence. The Vice-Chairs are responsible for the day-to-day operations in support of the Commission's charter.

C. Designated Federal Officer (DFO): The DFO will work with the Co-Chairs/Vice-Chairs to administer the Commission in accordance with FACA. The DFO serves as the government's agent for all matters related to the Commission's activities. By law, the DFO must: (1) approve or call the meeting of the Commission; (2) approve agendas; (3) attend all meetings; (4) adjourn the meetings when such adjournment is in the public interest; and (5) chair meetings of the Commission, when so directed by the Co-Chairs/Vice-Chairs.

In addition, the DFO is responsible for providing adequate staff support to the Commission, including the performance of the following functions: (1) notifying members of the time and place for each meeting; (2) maintaining records of all meetings; (3) maintaining the roll; (4) preparing the minutes of all meetings of the Commission's deliberations; (5) attending to official correspondence; (6) maintaining official records and filing all papers and submissions prepared for or by the Commission; and (7) preparing and handling all reports, including the annual report as required by FACA.

Section IV: Commissioner Selection

The Commission shall consist of approximately 30 voting Commissioners and up to 10 *ex-officio* members appointed by the Attorney General, or his designee, in consultation with the Director of NIST and the Vice-Chairs. Commissioners shall be selected based on specific needs of the Commission in order to balance those viewpoints required to effectively address the policy issues under consideration. Appointments are not transferrable and may be subject to renewal if the charter is renewed. Membership includes the responsibility to attend Commission meetings personally. The Department of Justice reserves the ability to replace any Commissioner who misses more than one meeting in a calendar year.

Section V: Meeting Procedures

The Commission will meet quarterly, or as required. Meetings will be called by the DFO in consultation with the Co-Chairs/Vice-Chairs according to the following considerations:

A. Agenda. The Co-Chairs/Vice-Chairs or their designees will develop meeting agendas in consultation with the DFO. A draft agenda will be made available to Commissioners, no later than 15 days prior to each meeting. A synopsis of the agenda will accompany the Notice of Meeting published in the Federal Register. Items for the agenda may be suggested by any Commissioner or member of the public.

B. Quorum. A quorum shall consist of a simple majority of voting Commissioners. A quorum shall be required to conduct business at all Commission meetings.

C. Open Meetings. Unless otherwise determined in advance in accordance with applicable regulations, all meetings of the Commission shall be open to the public. Once an open meeting has begun, it shall not be closed for any reason unless the DFO has sufficient reason to close the meeting in the public interest. All materials brought before, or presented to, the Commission during the conduct of an open meeting shall be available to the public for review at the time of the scheduled meeting.

Members of the public may attend any open meeting and may, at the determination of the Co-Chairs/Vice-Chairs, offer oral comments during the designated public comment period. The Co-Chairs/Vice-Chairs may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register shall note that oral comment from the public is excluded and invite written comment as an alternative. Members of the public may submit written statements to the DFO at any time.

D. Closed Meetings. Meetings of the Commission may be closed where the DFO determines that discussions will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others; and the Attorney General and the Department of Justice, Justice Management Division, Office of General Counsel (OGC) approves 30 days in advance of the session. If the Attorney General and the OGC approve, the DFO shall publish an advance notice of a closed meeting in the Federal Register citing the applicable exemptions of the Government in the Sunshine Act. The notice may announce the closing of all or just part of a meeting.

If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the Co-Chairs/Vice-Chairs will order such discussion to cease and will schedule a closed session.

F. Minutes and Records. The Co-Chairs, Vice-Chairs, and DFO shall review minutes of each Commission meeting and make them available to the Commission. Minutes of closed Commission meetings shall be available to the public upon request, subject to the withholding of matters about which public disclosure would be harmful to the interests of the Government, industry, or others, and which are exempt from disclosure under the Freedom of Information Act (FOIA). The minutes shall include the time, date, and place of the meeting; a record of the persons present (including the names of Commissioners and names of staff and any member of the public who presented oral or written statements); a complete and accurate description of the matters discussed and conclusions reached. Records associated with open Commission meetings, except those protected by copyright, and minutes of open meetings will be made available to the public.

Section VI: Commission Work Products

The Commission shall prepare work products for the Attorney General. Work products may include policy proposals, directive recommendations, or views documents. Generally, issues for work products are spearheaded by the Commission and developed by a Subcommittee. Work products can also be developed by Commission staff. Work products shall be submitted to the Commission officials no later than 15 days in advance of the meeting where the work product is to be presented.

Section VII: Voting

Votes on any matters related to Commission business or work products must be called by the Co-Chairs/Vice-Chairs. *Ex-officio* members may not vote on the adoption of Commission work products, but may vote on Commission business. Proxies shall vote on behalf of the Commission member for whom they are serving as proxy.

A. Work Products. Prior to calling a vote for a work product to be forwarded to the Attorney General, a simple majority quorum will be established. If quorum is established, a Vice-Chair will present the work product (as amended, where applicable) and call for the vote. A two-thirds majority of voting Commissioners present must vote in the affirmative for the adoption of Commission work products.

B. Commission Business. Votes related to Commission business that do not involve recommendations to the Attorney General such as establishing strategic direction can be called by a Vice-Chair on an *ad-hoc* basis and do not require written documentation or fifteen-day advance notice. A simple majority is required for the passage of votes associated with Commission business.

Section VIII: Expenses and Reimbursement.

Expenses related to the operation of the Commission will be borne by the Department of Justice. Expenditures of any kind must be approved in advance by the DFO.

Federal government employees serving on the Commission are not eligible for any form of additional compensation. The Department of Justice will pay travel and per diem for non-federal members at a rate equivalent to that allowable for federal employees.

Section IX: Proxies

In the event that a Commissioner is unable to attend a meeting, the Commissioner may request that the Department of Justice allow the designation of a similarly-qualified individual as a proxy to represent his or her interests in the meeting. Any such request must be received seven days in advance of each meeting and include enough information about the proposed proxy to allow the Department to evaluate any potential conflicts of interest and determine whether permitting the individual proxy would support the work of the Commission. The Department of Justice expects that Commissioners will attend meetings in person and only request proxies in rare circumstances.

Section X: Subcommittees

Subcommittees serve at the discretion of the Commission for the purpose of providing a mechanism for in-depth analysis of specific issues and to develop work products for consideration by the Commission. Subcommittees also serve as a mechanism to allow for broader input through the engagement of stakeholders external to the Commission. Subcommittees shall submit their work products to the Commission for deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the Commission and may not report directly to the Federal Government or any other entity.

The Co-Chairs/Vice-Chairs may establish or dissolve Subcommittees for purposes consistent with the Commission's charter.

Subcommittee Appointments: Subcommittees shall comprise Commission members and members of the public and will be appointed to ensure proper subject matter expertise and balance of perspective. A Subcommittee shall have a Chair(s) who will coordinate the membership review and selection process in collaboration with the Commission member representatives who comprise a particular Subcommittee. Subcommittees should be no larger than 20 members.