

(d) Reporting and deposit of proceeds upon disposition of certain business entities

If a corporation or business entity established or acquired as part of an undercover investigative operation under paragraph (2) of subsection (a) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director or designee determines is practicable, shall report the circumstance to the Secretary of Homeland Security. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(e) Financial audits and reports

(1) The Secret Service shall conduct detailed financial audits of closed undercover investigative operations for which a written certification was made pursuant to subsection (b) on a quarterly basis and shall report the results of the audits in writing to the Secretary of Homeland Security.

(2) The Secretary of Homeland Security shall annually submit to the Committees on Appropriations of the Senate and House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a summary of such audits.

(Pub. L. 109-295, title V, §532, Oct. 4, 2006, 120 Stat. 1384; Pub. L. 110-161, div. E, title V, §527, Dec. 26, 2007, 121 Stat. 2074; Pub. L. 110-329, div. D, title V, §520, Sept. 30, 2008, 122 Stat. 3684; Pub. L. 111-83, title V, §519, Oct. 28, 2009, 123 Stat. 2171; Pub. L. 112-10, div. B, title VI, §1652, Apr. 15, 2011, 125 Stat. 147; Pub. L. 112-74, div. D, title V, §518, Dec. 23, 2011, 125 Stat. 972; Pub. L. 113-6, div. D, title V, §518, Mar. 26, 2013, 127 Stat. 369; Pub. L. 113-76, div. F, title V, §518, Jan. 17, 2014, 128 Stat. 272.)

Editorial Notes**CODIFICATION**

In subsec. (a)(1), “sections 6301(a), (b)(1) to (3) and 6306(a) of title 41,” substituted for “sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22),” and “section 3901 and chapter 45 of title 41” substituted for “sections 304(a) and 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254(a) and 255)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section was enacted as part of the appropriation act cited in the credit to this section, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-76 substituted “2014 and thereafter” for “2013” in introductory provisions.

2013—Subsec. (a). Pub. L. 113-6 substituted “2013” for “2012” in introductory provisions.

2011—Subsec. (a). Pub. L. 112-74 substituted “2012” for “2011” in introductory provisions.

Pub. L. 112-10 substituted “2011” for “2010” in introductory provisions.

2009—Subsec. (a). Pub. L. 111-83 substituted “2010” for “2009” in introductory provisions.

2008—Subsec. (a). Pub. L. 110-329 substituted “2009” for “2008” in introductory provisions.

2007—Subsec. (a). Pub. L. 110-161 substituted “2008” for “2007” in introductory provisions.

§ 383. National Computer Forensics Institute**(a) In general**

There is authorized for fiscal years 2017 through 2022 within the United States Secret Service a National Computer Forensics Institute (in this section referred to as the “Institute”). The Institute shall disseminate information related to the investigation and prevention of cyber and electronic crime and related threats, and educate, train, and equip State, local, tribal, and territorial law enforcement officers, prosecutors, and judges.

(b) Functions

The functions of the Institute shall include the following:

(1) Educating State, local, tribal, and territorial law enforcement officers, prosecutors, and judges on current—

(A) cyber and electronic crimes and related threats;

(B) methods for investigating cyber and electronic crime and related threats and conducting computer and mobile device forensic examinations; and

(C) prosecutorial and judicial challenges related to cyber and electronic crime and related threats, and computer and mobile device forensic examinations.

(2) Training State, local, tribal, and territorial law enforcement officers to—

(A) conduct cyber and electronic crime and related threat investigations;

(B) conduct computer and mobile device forensic examinations; and

(C) respond to network intrusion incidents.

(3) Training State, local, tribal, and territorial law enforcement officers, prosecutors, and judges on methods to obtain, process, store, and admit digital evidence in court.

(c) Principles

In carrying out the functions specified in subsection (b), the Institute shall ensure, to the extent practicable, that timely, actionable, and relevant expertise and information related to cyber and electronic crime and related threats is shared with State, local, tribal, and territorial law enforcement officers and prosecutors.

(d) Equipment

The Institute may provide State, local, tribal, and territorial law enforcement officers with computer equipment, hardware, software, manuals, and tools necessary to conduct cyber and electronic crime and related threat investigations and computer and mobile device forensic examinations.

(e) Electronic Crime Task Forces

The Institute shall facilitate the expansion of the network of Electronic Crime Task Forces of the United States Secret Service through the addition of State, local, tribal, and territorial law enforcement officers educated and trained at the Institute.

(f) Savings provision

All authorized activities and functions carried out by the Institute at any location as of the day before November 2, 2017, are authorized to

continue to be carried out at any such location on and after such date.

(Pub. L. 107-296, title VIII, § 822, as added Pub. L. 115-76, § 2(a), Nov. 2, 2017, 131 Stat. 1246.)

PART D—ACQUISITIONS

§ 391. Research and development projects

(a) Authority

Until September 30, 2017,¹ and subject to subsection (d),² the Secretary may carry out a pilot program under which the Secretary may exercise the following authorities:

(1) In general

When the Secretary carries out basic, applied, and advanced research and development projects, including the expenditure of funds for such projects, the Secretary may exercise the same authority (subject to the same limitations and conditions) with respect to such research and projects as the Secretary of Defense may exercise under section 2371 of title 10 (except for subsections (b) and (f)), after making a determination that the use of a contract, grant, or cooperative agreement for such project is not feasible or appropriate. The annual report required under subsection (b)¹ of this section, as applied to the Secretary by this paragraph, shall be submitted to the President of the Senate and the Speaker of the House of Representatives.

(2) Prototype projects

The Secretary may, under the authority of paragraph (1), carry out prototype projects in accordance with the requirements and conditions provided for carrying out prototype projects under section 845¹ of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160). In applying the authorities of that section 845, subsection (c) of that section shall apply with respect to prototype projects under this paragraph, and the Secretary shall perform the functions of the Secretary of Defense under subsection (d) thereof.

(b) Procurement of temporary and intermittent services

The Secretary may—

(1) procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109(b) of title 5; and

(2) whenever necessary due to an urgent homeland security need, procure temporary (not to exceed 1 year) or intermittent personal services, including the services of experts or consultants (or organizations thereof), without regard to the pay limitations of such section 3109.

(c) Additional requirements

(1) In general

The authority of the Secretary under this section shall terminate September 30, 2017,¹ unless before that date the Secretary—

(A) issues policy guidance detailing the appropriate use of that authority; and

(B) provides training to each employee that is authorized to exercise that authority.

(2) Report

The Secretary shall provide an annual report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives detailing the projects for which the authority granted by subsection (a) was used, the rationale for its use, the funds spent using that authority, the outcome of each project for which that authority was used, and the results of any audits of such projects.

(d) Definition of nontraditional Government contractor

In this section, the term “nontraditional Government contractor” has the same meaning as the term “nontraditional defense contractor” as defined in section 845(e)¹ of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2371 note).

(Pub. L. 107-296, title VIII, § 831, Nov. 25, 2002, 116 Stat. 2224; Pub. L. 110-161, div. E, title V, § 572, Dec. 26, 2007, 121 Stat. 2093; Pub. L. 110-329, div. D, title V, § 537, Sept. 30, 2008, 122 Stat. 3687; Pub. L. 111-83, title V, § 531, Oct. 28, 2009, 123 Stat. 2174; Pub. L. 112-10, div. B, title VI, § 1651, Apr. 15, 2011, 125 Stat. 146; Pub. L. 112-74, div. D, title V, § 527, Dec. 23, 2011, 125 Stat. 974; Pub. L. 113-6, div. D, title V, § 525, Mar. 26, 2013, 127 Stat. 371; Pub. L. 113-76, div. F, title V, § 525, Jan. 17, 2014, 128 Stat. 273; Pub. L. 114-4, title V, § 523, Mar. 4, 2015, 129 Stat. 65; Pub. L. 114-113, div. F, title V, § 523, Dec. 18, 2015, 129 Stat. 2516; Pub. L. 115-31, div. F, title V, § 514, May 5, 2017, 131 Stat. 427.)

Editorial Notes

REFERENCES IN TEXT

Subsection (d), referred to in subsec. (a), was redesignated subsec. (c) of this section by Pub. L. 112-74, div. D, title V, § 527(3), Dec. 23, 2011, 125 Stat. 974.

Subsection (b) of this section, referred to in subsec. (a)(1), probably means the former subsec. (b) of this section which related to annual reports by the Comptroller General and which was struck out by Pub. L. 112-74, div. D, title V, § 527(2), Dec. 23, 2011, 125 Stat. 974. See 2011 Amendment note for subsec. (b) below.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994, referred to in subsections (a)(2) and (d), is section 845 of Pub. L. 103-160, which was formerly set out as a note under section 2371 of Title 10, Armed Forces, prior to repeal by Pub. L. 114-92, div. A, title VIII, § 815(c), Nov. 25, 2015, 129 Stat. 896. See section 2371b of Title 10.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-31, § 514(1), substituted “Until September 30, 2017,” for “Until September 30, 2016,” in introductory provisions.

Subsec. (c)(1). Pub. L. 115-31, § 514(2), substituted “September 30, 2017,” for “September 30, 2016,” in introductory provisions.

2015—Subsec. (a). Pub. L. 114-113, § 523(1), substituted “Until September 30, 2016,” for “Until September 30, 2015,” in introductory provisions.

Pub. L. 114-4, § 523(1), substituted “Until September 30, 2015,” for “Until September 30, 2014,” in introductory provisions.

¹ See Extension of Secretary’s Authority below.

² See References in Text note below.