

“(B) Cybersecurity Work Categories and Specialty Areas with emerging skill shortages.

“(3) CYBERSECURITY CRITICAL NEEDS REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary, in consultation with the Director, shall—

“(A) identify Specialty Areas of critical need for cybersecurity workforce across the Department; and

“(B) submit a progress report on the implementation of this subsection to the appropriate congressional committees.

“(e) GOVERNMENT ACCOUNTABILITY OFFICE STATUS REPORTS.—The Comptroller General of the United States shall—

“(1) analyze and monitor the implementation of subsections (c) and (d); and

“(2) not later than 3 years after the date of the enactment of this Act, submit a report to the appropriate congressional committees that describes the status of such implementation.”

#### DEFINITIONS

Pub. L. 113-246, §2, Dec. 18, 2014, 128 Stat. 2880, provided that: “In this Act [enacting this section and provisions set out as a note under section 101 of this title]—

“(1) the term ‘Cybersecurity Category’ means a position’s or incumbent’s primary work function involving cybersecurity, which is further defined by Specialty Area;

“(2) the term ‘Department’ means the Department of Homeland Security;

“(3) the term ‘Secretary’ means the Secretary of Homeland Security; and

“(4) the term ‘Specialty Area’ means any of the common types of cybersecurity work as recognized by the National Initiative for Cybersecurity Education’s National Cybersecurity Workforce Framework report.”

### §§ 147 to 151. Transferred

#### Editorial Notes

##### CODIFICATION

Section 147, Pub. L. 107-296, title II, §226, as added Pub. L. 113-277, §3(a), Dec. 18, 2014, 128 Stat. 3005, which related to cybersecurity recruitment and retention, was renumbered section 2208 of Pub. L. 107-296 by Pub. L. 115-278, §2(g)(2)(I), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 658 of this title.

Section 148, Pub. L. 107-296, title II, §227, formerly §226, as added Pub. L. 113-282, §3(a), Dec. 18, 2014, 128 Stat. 3066; renumbered §227 and amended Pub. L. 114-113, div. N, title II, §§203, 223(a)(3), Dec. 18, 2015, 129 Stat. 2957, 2963; Pub. L. 114-328, div. A, title XVIII, §1841(b), Dec. 23, 2016, 130 Stat. 2663, which related to national cybersecurity and communications integration center, was renumbered section 2209 of Pub. L. 107-296 by Pub. L. 115-278, §2(g)(2)(I), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 659 of this title.

A prior section 227 of Pub. L. 107-296, as added by Pub. L. 113-282, §7(a), Dec. 18, 2014, 128 Stat. 3070, was classified to section 149 of this title prior to redesignation by Pub. L. 114-113 as section 228(c) of Pub. L. 107-296, and was classified to section 149(c) of this title prior to further redesignation by Pub. L. 115-278 as section 2210(c) of Pub. L. 107-296, which is classified to section 660(c) of this title.

Section 149, Pub. L. 107-296, title II, §228, as added and amended Pub. L. 114-113, div. N, title II, §§205, 223(a)(2), (4), (5), Dec. 18, 2015, 129 Stat. 2961, 2963, 2964, which related to cybersecurity plans, was renumbered section 2210 of Pub. L. 107-296 by Pub. L. 115-278, §2(g)(2)(I), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 660 of this title.

A prior section 228 of Pub. L. 107-296 was renumbered section 229 and was classified to section 150 of this title

prior to renumbering as section 2212, which is classified to section 662 of this title.

Section 149a, Pub. L. 107-296, title II, §228A, as added Pub. L. 114-328, div. A, title XIX, §1912(a), Dec. 23, 2016, 130 Stat. 2683, which related to cybersecurity strategy, was renumbered section 2211 of Pub. L. 107-296 by Pub. L. 115-278, §2(g)(2)(I), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 661 of this title.

Section 150, Pub. L. 107-296, title II, §229, formerly §228, as added Pub. L. 113-282, §7(a), Dec. 18, 2014, 128 Stat. 3070; renumbered §229, Pub. L. 114-113, div. N, title II, §223(a)(1), Dec. 18, 2015, 129 Stat. 2963, which related to clearances, was renumbered section 2212 of Pub. L. 107-296 by Pub. L. 115-278, §2(g)(2)(I), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 662 of this title.

Section 151, Pub. L. 107-296, title II, §230, as added Pub. L. 114-113, div. N, title II, §223(a)(6), Dec. 18, 2015, 129 Stat. 2964, which related to Federal intrusion detection and prevention system, was renumbered section 2213 of Pub. L. 107-296 by Pub. L. 115-278, §2(g)(2)(I), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 663 of this title.

### PART C—OFFICE OF SCIENCE AND TECHNOLOGY

#### Editorial Notes

##### CODIFICATION

Subtitle D of title II of Pub. L. 107-296, which was classified to part D of this subchapter, was redesignated subtitle C of title II of Pub. L. 107-296 by Pub. L. 115-278, §2(g)(2)(K), Nov. 16, 2018, 132 Stat. 4178, and transferred to this part.

##### PRIOR PROVISIONS

A prior subtitle C of title II of Pub. L. 107-296, which was classified to this part, was redesignated subtitle B of title II of Pub. L. 107-296 by Pub. L. 115-278, §2(g)(2)(K), Nov. 16, 2018, 132 Stat. 4178, and transferred to part B (§141 et seq.) of this subchapter.

### § 161. Establishment of Office; Director

#### (a) Establishment

##### (1) In general

There is hereby established within the Department of Justice an Office of Science and Technology (hereinafter in this subchapter referred to as the “Office”).

##### (2) Authority

The Office shall be under the general authority of the Assistant Attorney General, Office of Justice Programs, and shall be established within the National Institute of Justice.

#### (b) Director

The Office shall be headed by a Director, who shall be an individual appointed based on approval by the Office of Personnel Management of the executive qualifications of the individual.

(Pub. L. 107-296, title II, §231, Nov. 25, 2002, 116 Stat. 2159.)

#### Editorial Notes

##### REFERENCES IN TEXT

This subchapter, referred to in subsec. (a)(1), was in the original “this title”, meaning title II of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2145, which enacted this subchapter, amended sections 1030, 2511, 2512, 2520, 2701 to 2703, and 3125 of Title 18, Crimes and Criminal Procedure, sections 10102 and 10122 of Title 34, Crime Control and Law Enforcement, and section 401a of Title 50, War and National Defense, and enacted provisions set out as a note under section 101 of this title and listed in a Pro-

visions for Review, Promulgation, or Amendment of Federal Sentencing Guidelines Relating to Specific Offenses table set out under section 994 of Title 28, Judiciary and Judicial Procedure. For complete classification of title II to the Code, see Tables.

## **§ 162. Mission of Office; duties**

### **(a) Mission**

The mission of the Office shall be—

- (1) to serve as the national focal point for work on law enforcement technology; and
- (2) to carry out programs that, through the provision of equipment, training, and technical assistance, improve the safety and effectiveness of law enforcement technology and improve access to such technology by Federal, State, and local law enforcement agencies.

### **(b) Duties**

In carrying out its mission, the Office shall have the following duties:

- (1) To provide recommendations and advice to the Attorney General.
- (2) To establish and maintain advisory groups (which shall be exempt from the provisions of chapter 10 of title 5) to assess the law enforcement technology needs of Federal, State, and local law enforcement agencies.
- (3) To establish and maintain performance standards in accordance with the National Technology Transfer and Advancement Act of 1995 (Public Law 104-113) for, and test and evaluate law enforcement technologies that may be used by, Federal, State, and local law enforcement agencies.
- (4) To establish and maintain a program to certify, validate, and mark or otherwise recognize law enforcement technology products that conform to standards established and maintained by the Office in accordance with the National Technology Transfer and Advancement Act of 1995 (Public Law 104-113). The program may, at the discretion of the Office, allow for supplier's declaration of conformity with such standards.
- (5) To work with other entities within the Department of Justice, other Federal agencies, and the executive office of the President to establish a coordinated Federal approach on issues related to law enforcement technology.
- (6) To carry out research, development, testing, evaluation, and cost-benefit analyses in fields that would improve the safety, effectiveness, and efficiency of law enforcement technologies used by Federal, State, and local law enforcement agencies, including, but not limited to—
  - (A) weapons capable of preventing use by unauthorized persons, including personalized guns;
  - (B) protective apparel;
  - (C) bullet-resistant and explosion-resistant glass;
  - (D) monitoring systems and alarm systems capable of providing precise location information;
  - (E) wire and wireless interoperable communication technologies;
  - (F) tools and techniques that facilitate investigative and forensic work, including computer forensics;

(G) equipment for particular use in counterterrorism, including devices and technologies to disable terrorist devices;

(H) guides to assist State and local law enforcement agencies;

(I) DNA identification technologies; and

(J) tools and techniques that facilitate investigations of computer crime.

(7) To administer a program of research, development, testing, and demonstration to improve the interoperability of voice and data public safety communications.

(8) To serve on the Technical Support Working Group of the Department of Defense, and on other relevant interagency panels, as requested.

(9) To develop, and disseminate to State and local law enforcement agencies, technical assistance and training materials for law enforcement personnel, including prosecutors.

(10) To operate the regional National Law Enforcement and Corrections Technology Centers and, to the extent necessary, establish additional centers through a competitive process.

(11) To administer a program of acquisition, research, development, and dissemination of advanced investigative analysis and forensic tools to assist State and local law enforcement agencies in combating cybercrime.

(12) To support research fellowships in support of its mission.

(13) To serve as a clearinghouse for information on law enforcement technologies.

(14) To represent the United States and State and local law enforcement agencies, as requested, in international activities concerning law enforcement technology.

(15) To enter into contracts and cooperative agreements and provide grants, which may require in-kind or cash matches from the recipient, as necessary to carry out its mission.

(16) To carry out other duties assigned by the Attorney General to accomplish the mission of the Office.

### **(c) Competition required**

Except as otherwise expressly provided by law, all research and development carried out by or through the Office shall be carried out on a competitive basis.

### **(d) Information from Federal agencies**

Federal agencies shall, upon request from the Office and in accordance with Federal law, provide the Office with any data, reports, or other information requested, unless compliance with such request is otherwise prohibited by law.

### **(e) Publications**

Decisions concerning publications issued by the Office shall rest solely with the Director of the Office.

### **(f) Transfer of funds**

The Office may transfer funds to other Federal agencies or provide funding to non-Federal entities through grants, cooperative agreements, or contracts to carry out its duties under this section: *Provided*, That any such transfer or provision of funding shall be carried out in accordance with section 605 of Public Law 107-77.

**(g) Annual report**

The Director of the Office shall include with the budget justification materials submitted to Congress in support of the Department of Justice budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) a report on the activities of the Office. Each such report shall include the following:

(1) For the period of 5 fiscal years beginning with the fiscal year for which the budget is submitted—

(A) the Director's assessment of the needs of Federal, State, and local law enforcement agencies for assistance with respect to law enforcement technology and other matters consistent with the mission of the Office; and

(B) a strategic plan for meeting such needs of such law enforcement agencies.

(2) For the fiscal year preceding the fiscal year for which such budget is submitted, a description of the activities carried out by the Office and an evaluation of the extent to which those activities successfully meet the needs assessed under paragraph (1)(A) in previous reports.

(Pub. L. 107-296, title II, § 232, Nov. 25, 2002, 116 Stat. 2159; Pub. L. 108-7, div. L, § 103(1), Feb. 20, 2003, 117 Stat. 529; Pub. L. 117-286, § 4(a)(13), Dec. 27, 2022, 136 Stat. 4306.)

**Editorial Notes**

## REFERENCES IN TEXT

The National Technology Transfer and Advancement Act of 1995, referred to in subsec. (b)(3), (4), is Pub. L. 104-113, Mar. 7, 1996, 110 Stat. 775, as amended. For complete classification of this Act to the Code, see Short Title of 1996 Amendment note set out under section 3701 of Title 15, Commerce and Trade, and Tables.

Section 605 of Public Law 107-77, referred to in subsec. (f), is section 605 of Pub. L. 107-77, title VI, Nov. 28, 2001, 115 Stat. 798, which is not classified to the Code.

## AMENDMENTS

2022—Subsec. (b)(2). Pub. L. 117-286 substituted “chapter 10 of title 5)” for “the Federal Advisory Committee Act (5 U.S.C. App.)”.

2003—Subsec. (f). Pub. L. 108-7 inserted before period at end “: *Provided*, That any such transfer or provision of funding shall be carried out in accordance with section 605 of Public Law 107-77”.

**§ 163. Definition of law enforcement technology**

For the purposes of this subchapter, the term “law enforcement technology” includes investigative and forensic technologies, corrections technologies, and technologies that support the judicial process.

(Pub. L. 107-296, title II, § 233, Nov. 25, 2002, 116 Stat. 2161.)

**Editorial Notes**

## REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2145, which enacted this subchapter, amended sections 1030, 2511, 2512, 2520, 2701 to 2703, and 3125 of Title 18, Crimes and Criminal Procedure, sec-

tions 10102 and 10122 of Title 34, Crime Control and Law Enforcement, and section 401a of Title 50, War and National Defense, and enacted provisions set out as a note under section 101 of this title and listed in a Provisions for Review, Promulgation, or Amendment of Federal Sentencing Guidelines Relating to Specific Offenses table set out under section 994 of Title 28, Judiciary and Judicial Procedure. For complete classification of title II to the Code, see Tables.

**§ 164. Abolishment of Office of Science and Technology of National Institute of Justice; transfer of functions****(a) Authority to transfer functions**

The Attorney General may transfer to the Office any other program or activity of the Department of Justice that the Attorney General, in consultation with the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, determines to be consistent with the mission of the Office.

**(b) Transfer of personnel and assets**

With respect to any function, power, or duty, or any program or activity, that is established in the Office, those employees and assets of the element of the Department of Justice from which the transfer is made that the Attorney General determines are needed to perform that function, power, or duty, or for that program or activity, as the case may be, shall be transferred to the Office: *Provided*, That any such transfer shall be carried out in accordance with section 605 of Public Law 107-77.

**(c) Report on implementation**

Not later than 1 year after November 25, 2002, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this subchapter. The report shall—

(1) provide an accounting of the amounts and sources of funding available to the Office to carry out its mission under existing authorizations and appropriations, and set forth the future funding needs of the Office; and

(2) include such other information and recommendations as the Attorney General considers appropriate.

(Pub. L. 107-296, title II, § 234, Nov. 25, 2002, 116 Stat. 2161; Pub. L. 108-7, div. L, § 103(2), Feb. 20, 2003, 117 Stat. 529.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 605 of Public Law 107-77, referred to in subsec. (b), is section 605 of Pub. L. 107-77, title VI, Nov. 28, 2001, 115 Stat. 798, which is not classified to the Code.

This subchapter, referred to in subsec. (c), was in the original “this title”, meaning title II of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2145, which enacted this subchapter, amended sections 1030, 2511, 2512, 2520, 2701 to 2703, and 3125 of Title 18, Crimes and Criminal Procedure, sections 10102 and 10122 of Title 34, Crime Control and Law Enforcement, and section 401a of Title 50, War and National Defense, and enacted provisions set out as a note under section 101 of this title and listed in a Provisions for Review, Promulgation, or Amendment of Federal Sentencing Guidelines Relating to Specific Offenses table set out under section 994 of Title 28, Judici-

ary and Judicial Procedure. For complete classification of title II to the Code, see Tables.

#### AMENDMENTS

2003—Subsec. (b). Pub. L. 108-7 inserted before period at end “: *Provided*, That any such transfer shall be carried out in accordance with section 605 of Public Law 107-77”.

### § 165. National Law Enforcement and Corrections Technology Centers

#### (a) In general

The Director of the Office shall operate and support National Law Enforcement and Corrections Technology Centers (hereinafter in this section referred to as “Centers”) and, to the extent necessary, establish new centers through a merit-based, competitive process.

#### (b) Purpose of Centers

The purpose of the Centers shall be to—

- (1) support research and development of law enforcement technology;
- (2) support the transfer and implementation of technology;
- (3) assist in the development and dissemination of guidelines and technological standards; and
- (4) provide technology assistance, information, and support for law enforcement, corrections, and criminal justice purposes.

#### (c) Annual meeting

Each year, the Director shall convene a meeting of the Centers in order to foster collaboration and communication between Center participants.

#### (d) Report

Not later than 12 months after November 25, 2002, the Director shall transmit to the Congress a report assessing the effectiveness of the existing system of Centers and identify the number of Centers necessary to meet the technology needs of Federal, State, and local law enforcement in the United States.

(Pub. L. 107-296, title II, § 235, Nov. 25, 2002, 116 Stat. 2162.)

### SUBCHAPTER III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND SECURITY

### § 181. Under Secretary for Science and Technology

There shall be in the Department a Directorate of Science and Technology headed by an Under Secretary for Science and Technology.

(Pub. L. 107-296, title III, § 301, Nov. 25, 2002, 116 Stat. 2163.)

### § 182. Responsibilities and authorities of the Under Secretary for Science and Technology

The Secretary, acting through the Under Secretary for Science and Technology, shall have the responsibility for—

- (1) advising the Secretary regarding research and development efforts and priorities in support of the Department’s missions;
- (2) developing, in consultation with other appropriate executive agencies, a national pol-

icy and strategic plan for, identifying priorities, goals, objectives and policies for, and coordinating the Federal Government’s civilian efforts to identify and develop countermeasures to chemical, biological, and other emerging terrorist threats, including the development of comprehensive, research-based definable goals for such efforts and development of annual measurable objectives and specific targets to accomplish and evaluate the goals for such efforts;

(3) supporting the Under Secretary for Intelligence and Analysis and the Director of the Cybersecurity and Infrastructure Security Agency, by assessing and testing homeland security vulnerabilities and possible threats;

(4) conducting basic and applied research, development, demonstration, testing, and evaluation activities that are relevant to any or all elements of the Department, through both intramural and extramural programs, except that such responsibility does not extend to human health-related research and development activities;

(5) establishing priorities for, directing, funding, and conducting national research, development, test and evaluation, and procurement of technology and systems for—

(A) preventing the importation of chemical, biological, and related weapons and material; and

(B) detecting, preventing, protecting against, and responding to terrorist attacks;

(6) establishing a system for transferring homeland security developments or technologies to Federal, State, local government, and private sector entities;

(7) entering into work agreements, joint sponsorships, contracts, or any other agreements with the Department of Energy regarding the use of the national laboratories or sites and support of the science and technology base at those facilities;

(8) collaborating with the Secretary of Agriculture and the Attorney General as provided in section 8401 of title 7;

(9) collaborating with the Secretary of Health and Human Services and the Attorney General in determining any new biological agents and toxins that shall be listed as “select agents” in Appendix A of part 72 of title 42, Code of Federal Regulations, pursuant to section 262a of title 42;

(10) supporting United States leadership in science and technology;

(11) establishing and administering the primary research and development activities of the Department, including the long-term research and development needs and capabilities for all elements of the Department;

(12) coordinating and integrating all research, development, demonstration, testing, and evaluation activities of the Department;

(13) coordinating with other appropriate executive agencies in developing and carrying out the science and technology agenda of the Department to reduce duplication and identify unmet needs; and

(14) developing and overseeing the administration of guidelines for merit review of research and development projects throughout