

Steering Committee. Based on those criteria, agency heads may select and present to the Steering Committee their nominee or nominees to represent them on the Council. The Steering Committee shall consider all of the nominees and decide by consensus which of the nominees shall participate on the Council. Each member agency on the Steering Committee, with the exception of the Office of the Director of National Intelligence, may have at least one representative on the Council.

(c) *Steering Committee.* There is also established a Steering Committee, chaired by the Chair of the Council, to provide guidance to the Council and perform other functions as set forth in this order. The Steering Committee shall include a representative at the Deputy agency head level, or that representative's designee, from the following agencies:

- (i) Department of State;
- (ii) Department of the Treasury;
- (iii) Department of Defense;
- (iv) Department of Justice;
- (v) Department of the Interior;
- (vi) Department of Agriculture;
- (vii) Department of Commerce;
- (viii) Department of Labor;
- (ix) Department of Health and Human Services;
- (x) Department of Housing and Urban Development;
- (xi) Department of Transportation;
- (xii) Department of Energy;
- (xiii) Department of Education;
- (xiv) Department of Veterans Affairs;
- (xv) Department of Homeland Security;
- (xvi) Office of the Director of National Intelligence;
- (xvii) Environmental Protection Agency;
- (xviii) Small Business Administration; and
- (xix) Federal Bureau of Investigation.

At the invitation of the Chair, representatives of agencies not listed in subsection (c) of this section or other executive branch entities may attend and participate in Steering Committee meetings as appropriate.

(d) *Administration.* The Chair or a designee shall convene meetings of the Council and Steering Committee, determine their agendas, and coordinate their work. The Council may establish subgroups consisting exclusively of Council members or their designees, as appropriate.

SEC. 3. *Mission and Function of the Council and Steering Committee.* (a) The Council shall, consistent with guidance from the Steering Committee:

- (i) advise the Chair and Steering Committee members on priorities, challenges, and opportunities for local partnerships to support homeland security priorities, as well as regularly report to the Steering Committee on the Council's efforts;
 - (ii) promote homeland security priorities and opportunities for collaboration between Federal Government field offices and State, local, tribal, and territorial stakeholders;
 - (iii) advise and confer with State, local, tribal, and territorial stakeholders and agencies interested in expanding or building local homeland security partnerships;
 - (iv) raise awareness of local partnership best practices that can support homeland security priorities;
 - (v) as appropriate, conduct outreach to representatives of the private sector, nongovernmental organizations, foundations, community-based organizations, and State, local, tribal, and territorial government and law enforcement entities with relevant expertise for local homeland security partnerships, and collaborate with other Federal Government bodies; and
 - (vi) convene an annual meeting to exchange key findings, progress, and best practices.
- (b) The Steering Committee shall:
- (i) determine the scope of issue areas the Council will address and its operating protocols, in consultation with the Office of Management and Budget;
 - (ii) establish the nomination process and selection criteria for members of the Council as set forth in section 2(b)(ii) of this order;

(iii) provide guidance to the Council on the activities set forth in subsection (a) of this section; and

(iv) within 1 year of the selection of the Council members, and annually thereafter, provide a report on the work of the Council to the President through the Chair.

SEC. 4. *General Provisions.* (a) The heads of agencies participating in the Steering Committee shall assist and provide information to the Council, consistent with applicable law, as may be necessary to implement this order. Each agency shall bear its own expense for participating in the Council.

(b) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department, agency, or the head thereof;
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or
- (iii) the functions of the Overseas Security Advisory Council.

(c) This order shall be implemented consistent with applicable law and appropriate protections for privacy and civil liberties, and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

[Reference to the National Security Staff deemed to be a reference to the National Security Council Staff, see Ex. Ord. No. 13657, set out as a note under section 3021 of Title 50, War and National Defense.]

PART B—INSPECTOR GENERAL

§ 371. Repealed. Pub. L. 108–7, div. L, § 104(c)(1), Feb. 20, 2003, 117 Stat. 531

Section, Pub. L. 107–296, title VIII, § 811, Nov. 25, 2002, 116 Stat. 2221, related to authority of Secretary of Homeland Security with respect to Inspector General.

PART C—UNITED STATES SECRET SERVICE

§ 381. Functions transferred

In accordance with subchapter XII, there shall be transferred to the Secretary the functions, personnel, assets, and obligations of the United States Secret Service, which shall be maintained as a distinct entity within the Department, including the functions of the Secretary of the Treasury relating thereto.

(Pub. L. 107–296, title VIII, § 821, Nov. 25, 2002, 116 Stat. 2224.)

§ 382. Use of proceeds derived from criminal investigations

(a) United States Secret Service use of proceeds derived from criminal investigations

During fiscal year 2014 and thereafter, with respect to any undercover investigative operation of the United States Secret Service (hereafter referred to in this section as the “Secret Service”) that is necessary for the detection and prosecution of crimes against the United States—

- (1) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories

and possessions of the United States, without regard to sections 1341 and 3324 of title 31, section 8141 of title 40, sections 6301(a), (b)(1) to (3) and 6306(a) of title 41, and section 3901 and chapter 45 of title 41;

(2) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years, may be used to establish or to acquire proprietary corporations or business entities as part of such undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31;

(3) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 and section 3302 of title 31; and

(4) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31.

(b) Written certification

The authority set forth in subsection (a) may be exercised only upon the written certification of the Director of the Secret Service or designee that any action authorized by any paragraph of such subsection is necessary for the conduct of an undercover investigative operation. Such certification shall continue in effect for the duration of such operation, without regard to fiscal years.

(c) Deposit of proceeds in Treasury

As soon as practicable after the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(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 Appro-

priations 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; mission

There is authorized for fiscal years 2023 through 2028 within the United States Secret Service a National Computer Forensics Institute (in this section referred to as the “Institute”). The Institute’s mission shall be to educate, train, and equip State, local, territorial, and Tribal law enforcement officers, prosecutors, and judges, as well as participants in the United States Secret Service’s network of cyber fraud task forces who are Federal employees, members of the uniformed services, or State, local, Tribal, or territorial employees, regarding the investigation and prevention of cybersecurity incidents, electronic crimes, and related cybersecurity threats, including through the dissemination of homeland security information, in accordance with relevant Federal law regarding privacy, civil rights, and civil liberties protections.

(b) Curriculum

In furtherance of subsection (a), all education and training of the Institute shall be conducted