

Union Calendar No. 287

117TH CONGRESS
2^D SESSION

H. R. 7174

[Report No. 117-376, Part I]

To amend the Homeland Security Act of 2002 to reauthorize the National Computer Forensics Institute of the United States Secret Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2022

Ms. SLOTKIN (for herself, Mr. PALMER, and Ms. SEWELL) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JUNE 17, 2022

Additional sponsors: Mr. THOMPSON of Mississippi, Mr. ROGERS of Alabama, Mr. LANGEVIN, Mr. ADERHOLT, Mr. SWALWELL, Mr. BROOKS, Mrs. DEMINGS, Ms. CLARKE of New York, Mr. TORRES of New York, Mr. CARL, Mr. MALINOWSKI, Mr. MOORE of Alabama, Mr. PAPPAS, Mr. GARBARINO, Mr. FLEISCHMANN, Mr. MOULTON, and Mr. CASE

JUNE 17, 2022

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 17, 2022

Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Homeland Security Act of 2002 to reauthorize the National Computer Forensics Institute of the United States Secret Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Computer*
5 *Forensics Institute Reauthorization Act of 2022”.*

6 **SEC. 2. REAUTHORIZATION OF THE NATIONAL COMPUTER**
7 **FORENSICS INSTITUTE OF THE DEPARTMENT**
8 **OF HOMELAND SECURITY.**

9 *(a) IN GENERAL.—Section 822 of the Homeland Secu-*
10 *rity Act of 2002 (6 U.S.C. 383) is amended—*

11 *(1) in subsection (a)—*

12 *(A) in the subsection heading, by striking*
13 *“IN GENERAL” and inserting “IN GENERAL;*
14 *MISSION”;*

15 *(B) by striking “2022” and inserting*
16 *“2032”; and*

17 *(C) by striking the second sentence and in-*
18 *serting “The Institute’s mission shall be to edu-*
19 *cate, train, and equip State, local, territorial,*
20 *and Tribal law enforcement officers, prosecutors,*
21 *judges, participants in the United States Secret*
22 *Service’s network of cyber fraud task forces, and*
23 *other appropriate individuals regarding the in-*
24 *vestigation and prevention of cybersecurity inci-*
25 *dents, electronic crimes, and related cybersecu-*

1 *rity threats, including through the dissemination*
2 *of homeland security information, in accordance*
3 *with relevant Department guidance regarding*
4 *privacy, civil rights, and civil liberties protec-*
5 *tions.”;*

6 *(2) by redesignating subsections (c) through (f)*
7 *as subsections (d) through (g), respectively;*

8 *(3) by striking subsection (b) and inserting the*
9 *following new subsections:*

10 *“(b) CURRICULUM.—In furtherance of subsection (a),*
11 *all education and training of the Institute shall be con-*
12 *ducted in accordance with relevant Federal law and policy*
13 *regarding privacy, civil rights, and civil liberties protec-*
14 *tions, including best practices for safeguarding data pri-*
15 *vacy and fair information practice principles. Education*
16 *and training provided pursuant to subsection (a) shall re-*
17 *late to the following:*

18 *“(1) Investigating and preventing cybersecurity*
19 *incidents, electronic crimes, and related cybersecurity*
20 *threats, including relating to instances involving il-*
21 *licit use of digital assets and emerging trends in cy-*
22 *bersecurity and electronic crime.*

23 *“(2) Conducting forensic examinations of com-*
24 *puters, mobile devices, and other information systems.*

1 “(3) *Prosecutorial and judicial considerations*
2 *related to cybersecurity incidents, electronic crimes,*
3 *related cybersecurity threats, and forensic examina-*
4 *tions of computers, mobile devices, and other informa-*
5 *tion systems.*

6 “(4) *Methods to obtain, process, store, and admit*
7 *digital evidence in court.*

8 “(c) *RESEARCH AND DEVELOPMENT.—In furtherance*
9 *of subsection (a), the Institute shall research, develop, and*
10 *share information relating to investigating cybersecurity*
11 *incidents, electronic crimes, and related cybersecurity*
12 *threats that prioritize best practices for forensic examina-*
13 *tions of computers, mobile devices, and other information*
14 *systems. Such information may include training on meth-*
15 *ods to investigate ransomware and other threats involving*
16 *the use of digital assets.”;*

17 (4) *in subsection (d), as so redesignated—*

18 (A) *by striking “cyber and electronic crime*
19 *and related threats is shared with State, local,*
20 *tribal, and territorial law enforcement officers*
21 *and prosecutors” and inserting “cybersecurity*
22 *incidents, electronic crimes, and related cyberse-*
23 *curity threats is shared with recipients of edu-*
24 *cation and training provided pursuant to sub-*
25 *section (a)”;* and

1 (B) by adding at the end the following new
2 sentence: “The Institute shall prioritize pro-
3 viding education and training to individuals
4 from geographically-diverse jurisdictions
5 throughout the United States.”;

6 (5) in subsection (e), as so redesignated—

7 (A) by striking “State, local, tribal, and
8 territorial law enforcement officers” and insert-
9 ing “recipients of education and training pro-
10 vided pursuant to subsection (a)”;

11 (B) by striking “necessary to conduct cyber
12 and electronic crime and related threat inves-
13 tigation and computer and mobile device foren-
14 sic examinations” and inserting “for inves-
15 tigation and preventing cybersecurity incidents,
16 electronic crimes, related cybersecurity threats,
17 and for forensic examinations of computers, mo-
18 bile devices, and other information systems”;

19 (6) in subsection (f), as so redesignated—

20 (A) by amending the heading to read as fol-
21 lows: “CYBER FRAUD TASK FORCES”;

22 (B) by striking “Electronic Crime” and in-
23 serting “Cyber Fraud”;

24 (C) by striking “State, local, tribal, and ter-
25 ritorial law enforcement officers” and inserting

1 *“recipients of education and training provided*
2 *pursuant to subsection (a)”*; and

3 *(D) by striking “at” and inserting “by”*;

4 *(7) by redesignating subsection (g), as redesign-*
5 *ated pursuant to paragraph (2), as subsection (j);*
6 *and*

7 *(8) by inserting after subsection (f), as so redesi-*
8 *gnated, the following new subsections:*

9 *“(g) EXPENSES.—The Director of the United States*
10 *Secret Service may pay for all or a part of the education,*
11 *training, or equipment provided by the Institute, including*
12 *relating to the travel, transportation, and subsistence ex-*
13 *penses of recipients of education and training provided pur-*
14 *suant to subsection (a).*

15 *“(h) ANNUAL REPORTS TO CONGRESS.—The Secretary*
16 *shall include in the annual report required pursuant to sec-*
17 *tion 1116 of title 31, United States Code, information re-*
18 *garding the activities of the Institute, including relating to*
19 *the following:*

20 *“(1) Activities of the Institute, including, where*
21 *possible, an identification of jurisdictions with recipi-*
22 *ents of education and training provided pursuant to*
23 *subsection (a) of this section during such year and in-*
24 *formation relating to the costs associated with such*
25 *education and training.*

1 “(2) *Any information regarding projected future*
2 *demand for such education and training.*

3 “(3) *Impacts of the Institute’s activities on juris-*
4 *dictions’ capability to investigate and prevent cyber-*
5 *security incidents, electronic crimes, and related cy-*
6 *bersecurity threats.*

7 “(4) *A description of the nomination process for*
8 *State, local, territorial, and Tribal law enforcement*
9 *officers, prosecutors, judges, participants in the*
10 *United States Secret Service’s network of cyber fraud*
11 *task forces, and other appropriate individuals to re-*
12 *ceive the education and training provided pursuant*
13 *to subsection (a).*

14 “(5) *Any other issues determined relevant by the*
15 *Secretary.*

16 “(i) *DEFINITIONS.—In this section—*

17 “(1) *CYBERSECURITY THREAT.—The term ‘cy-*
18 *bersecurity threat’ has the meaning given such term*
19 *in section 102 of the Cybersecurity Act of 2015 (en-*
20 *acted as division N of the Consolidated Appropria-*
21 *tions Act, 2016 (Public Law 114–113; 6 U.S.C.*
22 *1501))*

23 “(2) *INCIDENT.—The term ‘incident’ has the*
24 *meaning given such term in section 2209(a).*

1 “(3) *INFORMATION SYSTEM.*—*The term ‘informa-*
2 *tion system’ has the meaning given such term in sec-*
3 *tion 102 of the Cybersecurity Act of 2015 (enacted as*
4 *division N of the Consolidated Appropriations Act,*
5 *2016 (Public Law 114–113; 6 U.S.C. 1501(9)).”.*

6 (b) *GUIDANCE FROM THE PRIVACY OFFICER AND*
7 *CIVIL RIGHTS AND CIVIL LIBERTIES OFFICER.*—*The Pri-*
8 *vacy Officer and the Officer for Civil Rights and Civil Lib-*
9 *erties of the Department of Homeland Security shall pro-*
10 *vide guidance, upon the request of the Director of the United*
11 *States Secret Service, regarding the functions specified in*
12 *subsection (b) of section 822 of the Homeland Security Act*
13 *of 2002 (6 U.S.C. 383), as amended by subsection (a).*

14 (c) *TEMPLATE FOR INFORMATION COLLECTION FROM*
15 *PARTICIPATING JURISDICTIONS.*—*Not later than 180 days*
16 *after the date of the enactment of this Act, the Director of*
17 *the United States Secret Service shall develop and dissemi-*
18 *nate to jurisdictions that are recipients of education and*
19 *training provided by the National Computer Forensics In-*
20 *stitute pursuant to subsection (a) of section 822 of the*
21 *Homeland Security Act of 2002 (6 U.S.C. 383), as amended*
22 *by subsection (a), a template to permit each such jurisdic-*
23 *tion to submit to the Director reports on the impacts on*
24 *such jurisdiction of such education and training, including*
25 *information on the number of digital forensics exams con-*

1 ducted annually. The Director shall, as appropriate, revise
2 such template and disseminate to jurisdictions described in
3 this subsection any such revised templates.

4 (d) *REQUIREMENTS ANALYSIS.*—

5 (1) *IN GENERAL.*—Not later than one year after
6 the date of the enactment of this Act, the Director of
7 the United States Secret Service shall carry out a re-
8 quirements analysis of approaches to expand capacity
9 of the National Computer Forensics Institute to carry
10 out the Institute’s mission as set forth in subsection
11 (a) of section 822 of the Homeland Security Act of
12 2002 (6 U.S.C. 383), as amended by subsection (a).

13 (2) *SUBMISSION.*—Not later than 90 days after
14 completing the requirements analysis under para-
15 graph (1), the Director of the United States Secret
16 Service shall submit to Congress such analysis, to-
17 gether with a plan to expand the capacity of the Na-
18 tional Computer Forensics Institute to provide edu-
19 cation and training described in such subsection.
20 Such analysis and plan shall consider the following:

21 (A) *Expanding the physical operations of*
22 *the Institute.*

23 (B) *Expanding the availability of virtual*
24 *education and training to all or a subset of po-*

1 *tential recipients of education and training from*
2 *the Institute.*

3 *(C) Some combination of the considerations*
4 *set forth in subparagraphs (A) and (B).*

5 *(e) RESEARCH AND DEVELOPMENT.—The Director of*
6 *the United States Secret Service may coordinate with the*
7 *Under Secretary for Science and Technology of the Depart-*
8 *ment of Homeland Security to carry out research and devel-*
9 *opment of systems and procedures to enhance the National*
10 *Computer Forensics Institute’s capabilities and capacity to*
11 *carry out the Institute’s mission as set forth in subsection*
12 *(a) of section 822 of the Homeland Security Act of 2002*
13 *(6 U.S.C. 383), as amended by subsection (a).*

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