

Union Calendar No. 268

114TH CONGRESS
1ST SESSION

H. R. 3490

[Report No. 114–345, Parts I and II]

To amend the Homeland Security Act of 2002 to authorize the National Computer Forensics Institute, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2015

Mr. RATCLIFFE (for himself, Mr. MCCAUL, and Mr. PALMER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, 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

NOVEMBER 19, 2015

Reported from the Committee on the Judiciary with an amendment

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

NOVEMBER 30, 2015

Additional sponsor: Mr. RICHMOND

NOVEMBER 30, 2015

Reported from the Committee on Homeland Security with an amendment

[Strike out all after the enacting clause and insert the part printed in **boldface roman**]

[For text of introduced bill, see copy of bill as introduced on September 11, 2015]

A BILL

To amend the Homeland Security Act of 2002 to authorize the National Computer Forensics Institute, 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 “Strengthening State and*
5 *Local Cyber Crime Fighting Act”.*

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

9 *(a) IN GENERAL.—Subtitle C of title VIII of the*
10 *Homeland Security Act of 2002 (6 U.S.C. 381 et seq.) is*
11 *amended by adding at the end the following new section:*

12 **“SEC. 822. NATIONAL COMPUTER FORENSICS INSTITUTE.**

13 *“(a) IN GENERAL.—There is established in the Depart-*
14 *ment a National Computer Forensics Institute (in this sec-*
15 *tion referred to as the ‘Institute’), to be operated by the*
16 *United States Secret Service, for the dissemination of home-*
17 *land security information related to the investigation and*
18 *prevention of cyber and electronic crime and related threats*
19 *to educate, train, and equip State, local, tribal, and terri-*
20 *torial law enforcement officers, prosecutors, and judges.*

21 *“(b) FUNCTIONS.—The functions of the Institute shall*
22 *include the following:*

23 *“(1) Educating State, local, tribal, and terri-*
24 *torial law enforcement officers, prosecutors, and*
25 *judges on current—*

1 “(A) *cyber and electronic crimes and related*
2 *threats;*

3 “(B) *methods for investigating cyber and*
4 *electronic crime and related threats and con-*
5 *ducting computer and mobile device forensic ex-*
6 *aminations; and*

7 “(C) *prosecutorial and judicial challenges*
8 *related to cyber and electronic crime and related*
9 *threats, and computer and mobile device forensic*
10 *examinations.*

11 “(2) *Training State, local, tribal, and territorial*
12 *law enforcement officers to—*

13 “(A) *conduct cyber and electronic crime and*
14 *related threat investigations;*

15 “(B) *conduct computer and mobile device*
16 *forensic examinations; and*

17 “(C) *respond to network intrusion inci-*
18 *dents.*

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

23 “(c) *PRINCIPLES.—In carrying out the functions*
24 *under subsection (b), the Institute shall ensure, to the extent*
25 *practicable, that timely, actionable, and relevant expertise*

1 *and homeland security information related to cyber and*
2 *electronic crime and related threats is shared with State,*
3 *local, tribal, and territorial law enforcement officers, pros-*
4 *ecutors, and judges.*

5 “(d) *EQUIPMENT.*—*The Institute is authorized to pro-*
6 *vide State, local, tribal, and territorial law enforcement of-*
7 *ficers, prosecutors, and judges with computer equipment,*
8 *hardware, software, manuals, and tools necessary to con-*
9 *duct cyber and electronic crime and related threats inves-*
10 *tigations and computer and mobile device forensic examina-*
11 *tions.*

12 “(e) *ELECTRONIC CRIME TASK FORCES.*—*The Insti-*
13 *tute shall facilitate the expansion of the Secret Service’s net-*
14 *work of Electronic Crime Task Forces through the addition*
15 *of task force officers of State, local, tribal, and territorial*
16 *law enforcement officers, prosecutors, and judges educated*
17 *and trained at the Institute, in addition to academia and*
18 *private sector stakeholders.*

19 “(f) *COORDINATION WITH FEDERAL LAW ENFORCE-*
20 *MENT TRAINING CENTER.*—*The Institute shall seek oppor-*
21 *tunities to coordinate with the Federal Law Enforcement*
22 *Training Center within the Department to help enhance,*
23 *to the extent practicable, the training provided by the Cen-*
24 *ter to stakeholders, including by helping to ensure that such*
25 *training reflects timely, actionable, and relevant expertise*

1 *in homeland security information related to cyber and elec-*
2 *tronic crime and related threats.”.*

3 (b) *NO ADDITIONAL FUNDING.*—*No additional funds*
4 *are authorized to be appropriated to carry out this Act and*
5 *the amendment made by this Act. This Act and such*
6 *amendment shall be carried out using amounts otherwise*
7 *available for such purposes.*

8 (c) *CLERICAL AMENDMENT.*—*The table of contents of*
9 *the Homeland Security Act of 2002 is amended by inserting*
10 *after the item relating to section 821 the following new item:*
“Sec. 822. National Computer Forensics Institute.”.

11 **SECTION 1. SHORT TITLE.**

12 **This Act may be cited as the “Strengthening State and Local Cyber Crime Fighting**
13 **Act”.**

15 **SEC. 2. AUTHORIZATION OF THE NATIONAL COMPUTER**
16 **FORENSICS INSTITUTE OF THE DEPARTMENT**
17 **OF HOMELAND SECURITY.**

18 (a) **IN GENERAL.**—**Subtitle C of title VIII of**
19 **the Homeland Security Act of 2002 (6 U.S.C.**
20 **381 et seq.) is amended by adding at the end**
21 **the following new section:**

22 **“SEC. 822. NATIONAL COMPUTER FORENSICS INSTITUTE.**

23 **“(a) IN GENERAL.—There is established in**
24 **the Department a National Computer**
25 **Forensics Institute (in this section referred to**

1 as the ‘Institute’), to be operated by the
2 United States Secret Service, for the dissemi-
3 nation of homeland security information re-
4 lated to the investigation and prevention of
5 cyber and electronic crime and related
6 threats to educate, train, and equip State,
7 local, tribal, and territorial law enforcement
8 officers, prosecutors, and judges.

9 “(b) FUNCTIONS.—The functions of the In-
10 stitute shall include the following:

11 “(1) Educating State, local, tribal, and
12 territorial law enforcement officers, pros-
13 ecutors, and judges on current—

14 “(A) cyber and electronic crimes
15 and related threats;

16 “(B) methods for investigating
17 cyber and electronic crime and re-
18 lated threats and conducting com-
19 puter and mobile device forensic ex-
20 aminations; and

21 “(C) prosecutorial and judicial
22 challenges related to cyber and elec-
23 tronic crime and related threats, and
24 computer and mobile device forensic
25 examinations.

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

3 **“(A) conduct cyber and electronic**
4 **crime and related threat investiga-**
5 **tions;**

6 **“(B) conduct computer and mo-**
7 **bile device forensic examinations;**
8 **and**

9 **“(C) respond to network intrusion**
10 **incidents.**

11 **“(3) Training State, local, tribal, and**
12 **territorial law enforcement officers, pros-**
13 **ecutors, and judges on methods to obtain,**
14 **process, store, and admit digital evidence**
15 **in court.**

16 **“(c) PRINCIPLES.—In carrying out the func-**
17 **tions under subsection (b), the Institute shall**
18 **ensure, to the extent practicable, that timely,**
19 **actionable, and relevant expertise and home-**
20 **land security information related to cyber**
21 **and electronic crime and related threats is**
22 **shared with State, local, tribal, and territorial**
23 **law enforcement officers, prosecutors, and**
24 **judges.**

1 **“(d) EQUIPMENT.—The Institute is author-**
2 **ized to provide State, local, tribal, and terri-**
3 **torial law enforcement officers, prosecutors,**
4 **and judges with computer equipment, hard-**
5 **ware, software, manuals, and tools necessary**
6 **to conduct cyber and electronic crime and re-**
7 **lated threats investigations and computer**
8 **and mobile device forensic examinations.**

9 **“(e) ELECTRONIC CRIME TASK FORCES.—The**
10 **Institute shall facilitate the expansion of the**
11 **Secret Service’s network of Electronic Crime**
12 **Task Forces through the addition of task**
13 **force officers of State, local, tribal, and terri-**
14 **torial law enforcement officers, prosecutors,**
15 **and judges educated and trained at the Insti-**
16 **tute, in addition to academia and private sec-**
17 **tor stakeholders.**

18 **“(f) COORDINATION WITH FEDERAL LAW EN-**
19 **FORCEMENT TRAINING CENTER.—The Institute**
20 **shall seek opportunities to coordinate with**
21 **the Federal Law Enforcement Training Cen-**
22 **ter within the Department to help enhance, to**
23 **the extent practicable, the training provided**
24 **by the Center to stakeholders, including by**
25 **helping to ensure that such training reflects**

1 **timely, actionable, and relevant expertise in**
2 **homeland security information related to**
3 **cyber and electronic crime and related**
4 **threats.”.**

5 **(b) NO ADDITIONAL FUNDING.—No addi-**
6 **tional funds are authorized to be appro-**
7 **priated to carry out this Act and the amend-**
8 **ment made by this Act. This Act and such**
9 **amendment shall be carried out using**
10 **amounts otherwise available for such pur-**
11 **poses.**

12 **(c) CLERICAL AMENDMENT.—The table of**
13 **contents of the Homeland Security Act of 2002**
14 **is amended by inserting after the item relat-**
15 **ing to section 821 the following new item:**

“Sec. 822. National Computer Forensics Institute.”.

16 **SEC. 3. TRAINING MATERIALS.**

17 **Not later than six months after the date**
18 **of the enactment of this Act, the Director of**
19 **the United States Secret Service shall report**
20 **to the appropriate congressional oversight**
21 **committees on plans to incorporate best prac-**
22 **tices into training materials on chain of cus-**
23 **tody for digital evidence, including physical**
24 **devices and the digital evidence that may be**
25 **contained on such devices.**

1 SEC. 4. RULE OF CONSTRUCTION.

2 **Nothing in this Act may be construed to**
3 **abridge the rights afforded by the Fourth and**
4 **Fifth Amendments to the United States Con-**
5 **stitution.**

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