

114TH CONGRESS
2D SESSION

H. R. 4740

To direct the Attorney General to make grants to States and units of local government for the prevention, enforcement, and prosecution of cybercrimes against individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2016

Ms. CLARK of Massachusetts introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To direct the Attorney General to make grants to States and units of local government for the prevention, enforcement, and prosecution of cybercrimes against individuals, 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 “Cybercrime Enforce-
5 ment Training Assistance Act of 2016”.

6 **SEC. 2. LOCAL LAW ENFORCEMENT GRANTS.**

7 (a) IN GENERAL.—Subject to the availability of ap-
8 propriations, the Attorney General shall award grants

1 under this section to States and units of local government
2 for the prevention, enforcement, and prosecution of
3 cybercrimes against individuals.

4 (b) APPLICATION.—

5 (1) IN GENERAL.—To request a grant under
6 this section, the chief executive officer of a State or
7 unit of local government shall submit an application
8 to the Attorney General within 90 days after the
9 date on which funds to carry out this section are ap-
10 propriated for a fiscal year, in such form as the At-
11 torney General may require. Such application shall
12 include the following:

13 (A) A certification that Federal funds
14 made available under this section will not be
15 used to supplant State or local funds, but will
16 be used to increase the amounts of such funds
17 that would, in the absence of Federal funds, be
18 made available for law enforcement activities.

19 (B) An assurance that, not fewer than 30
20 days before the application (or any amendment
21 to the application) was submitted to the Attor-
22 ney General, the application (or amendment)
23 was submitted for review to the governing body
24 of the State or unit of local government (or to

1 an organization designated by that governing
2 body).

3 (C) An assurance that, before the applica-
4 tion (or any amendment to the application) was
5 submitted to the Attorney General—

6 (i) the application (or amendment)
7 was made public; and

8 (ii) an opportunity to comment on the
9 application (or amendment) was provided
10 to citizens and to neighborhood or commu-
11 nity-based organizations, to the extent ap-
12 plicable law or established procedure
13 makes such an opportunity available.

14 (D) An assurance that, for each fiscal year
15 covered by an application, the applicant shall
16 maintain and report such data, records, and in-
17 formation (programmatic and financial) as the
18 Attorney General may reasonably require.

19 (E) A certification, made in a form accept-
20 able to the Attorney General and executed by
21 the chief executive officer of the applicant (or
22 by another officer of the applicant, if qualified
23 under regulations promulgated by the Attorney
24 General), that—

1 (i) the programs to be funded by the
2 grant meet all the requirements of this sec-
3 tion;

4 (ii) all the information contained in
5 the application is correct;

6 (iii) there has been appropriate co-
7 ordination with affected agencies; and

8 (iv) the applicant will comply with all
9 provisions of this section and all other ap-
10 plicable Federal laws.

11 (F) A certification that the State or in the
12 case of a unit of local government, the State in
13 which the unit of local government is located,
14 has in effect criminal laws which prohibit
15 cybercrimes against individuals.

16 (G) A certification that any equipment de-
17 scribed in subsection (e)(7) purchased using
18 grant funds awarded under this section will be
19 used primarily for investigations and forensic
20 analysis of evidence in matters involving
21 cybercrimes against individuals.

22 (c) USE OF FUNDS.—Grants awarded under this sec-
23 tion may only be used for programs that provide—

1 (1) training for State or local law enforcement
2 personnel relating to cybercrimes against individuals,
3 including—

4 (A) training such personnel to identify and
5 protect victims of cybercrimes against individ-
6 uals;

7 (B) training such personnel to utilize Fed-
8 eral, State, local, and other resources to assist
9 victims of cybercrimes against individuals;

10 (C) training such personnel to identify and
11 investigate cybercrimes against individuals;

12 (D) training such personnel to enforce and
13 utilize the laws that prohibit cybercrimes
14 against individuals;

15 (E) training such personnel to utilize tech-
16 nology to assist in the investigation of
17 cybercrimes against individuals and enforce-
18 ment of laws that prohibit such crimes; and

19 (F) the payment of overtime incurred as a
20 result of such training;

21 (2) training for State or local prosecutors,
22 judges, and judicial personnel, relating to
23 cybercrimes against individuals, including—

1 (A) training such personnel to identify, in-
2 vestigate, prosecute, or adjudicate cybercrimes
3 against individuals;

4 (B) training such personnel to utilize laws
5 that prohibit cybercrimes against individuals;

6 (C) training such personnel to utilize Fed-
7 eral, State, local, and other resources to assist
8 victims of cybercrimes against individuals; and

9 (D) training such personnel to utilize tech-
10 nology to assist in the prosecution or adjudica-
11 tion of acts of cybercrimes against individuals,
12 including the use of technology to protect vic-
13 tims of such crimes;

14 (3) training for State or local emergency dis-
15 patch personnel relating to cybercrimes against indi-
16 viduals, including—

17 (A) training such personnel to identify and
18 protect victims of cybercrimes against individ-
19 uals;

20 (B) training such personnel to utilize Fed-
21 eral, State, local, and other resources to assist
22 victims of cybercrimes against individuals;

23 (C) training such personnel to utilize tech-
24 nology to assist in the identification of and re-
25 sponse to cybercrimes against individuals; and

1 (D) the payment of overtime incurred as a
2 result of such training;

3 (4) assistance to State or local law enforcement
4 agencies in enforcing laws that prohibit cybercrimes
5 against individuals, including expenses incurred in
6 performing enforcement operations, such as overtime
7 payments;

8 (5) assistance to State or local law enforcement
9 agencies in educating the public in order to prevent,
10 deter, and identify violations of laws that prohibit
11 cybercrimes against individuals;

12 (6) assistance to State or local law enforcement
13 agencies to establish task forces that operate solely
14 to conduct investigations, forensic analyses of evi-
15 dence, and prosecutions in matters involving
16 cybercrimes against individuals;

17 (7) assistance to State or local law enforcement
18 and prosecutors in acquiring computers, computer
19 equipment, and other equipment necessary to con-
20 duct investigations and forensic analysis of evidence
21 in matters involving cybercrimes against individuals,
22 including expenses incurred in the training, mainte-
23 nance, or acquisition of technical updates necessary
24 for the use of such equipment for the duration of a
25 reasonable period of use of such equipment;

1 (8) assistance in the facilitation and promotion
2 of sharing, with State and local law enforcement of-
3 ficers and prosecutors, of the expertise and informa-
4 tion of Federal law enforcement agencies about the
5 investigation, analysis, and prosecution of matters
6 involving laws that prohibit cybercrimes against indi-
7 viduals, including the use of multijurisdictional task
8 forces; or

9 (9) assistance to State and local law enforce-
10 ment and prosecutors in processing interstate extra-
11 dition requests for violations of laws involving
12 cybercrimes against individuals, including expenses
13 incurred in the extradition of an offender from one
14 State to another.

15 (d) REPORT TO THE SECRETARY.—On the date that
16 is one year after the date on which a State or unit of local
17 government receives a grant under this section, and annu-
18 ally thereafter, the chief executive of such State or unit
19 of local government shall submit to the Attorney General
20 a report which contains—

21 (1) a summary of the activities carried out dur-
22 ing the previous year with any grant received by
23 such State or unit of local government;

24 (2) an evaluation of the results of such activi-
25 ties; and

1 (3) such other information as the Attorney
2 General may reasonably require.

3 (e) REPORT TO CONGRESS.—Not later than Novem-
4 ber 1 of each even-numbered fiscal year, the Attorney
5 General shall submit to the Committee on the Judiciary
6 of the House of Representatives and the Committee on
7 the Judiciary of the Senate a report that contains a com-
8 pilation of the information contained in the report sub-
9 mitted under subsection (d).

10 (f) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to carry out this section \$20,000,000
13 for each of fiscal years 2017 through 2021.

14 (2) LIMITATION.—Of the amount made avail-
15 able under paragraph (1) in any fiscal year, not
16 more than 5 percent may be used for evaluation,
17 monitoring, technical assistance, salaries, and ad-
18 ministrative expenses.

19 (g) DEFINITIONS.—In this section:

20 (1) The term “cybercrimes against individuals”
21 means the criminal offenses applicable in the rel-
22 evant State or unit of local government that involve
23 the use of a computer to cause personal harm to an
24 individual, such as the use of a computer to harass,
25 threaten, stalk, extort, coerce, cause fear, intimidate,

1 without consent distribute intimate images of, or vio-
2 late the privacy of, an individual, except that—

3 (A) use of a computer need not be an ele-
4 ment of such an offense; and

5 (B) such term does not include the use of
6 a computer to cause harm to a commercial enti-
7 ty, government agency, or any non-natural per-
8 sons.

9 (2) The term “computer” includes a computer
10 network and an interactive electronic device.

11 **SEC. 3. NATIONAL RESOURCE CENTER GRANT.**

12 (a) IN GENERAL.—Subject to the availability of ap-
13 propriations, the Attorney General shall award a grant
14 under this section to an eligible entity for the purpose of
15 the establishment and maintenance of a National Re-
16 source Center on Cybercrimes Against Individuals to pro-
17 vide resource information, training, and technical assist-
18 ance to improve the capacity of individuals, organizations,
19 governmental entities, and communities to prevent, en-
20 force, and prosecute cybercrimes against individuals.

21 (b) APPLICATION.—To request a grant under this
22 section, an eligible entity shall submit an application to
23 the Attorney General not later than 90 days after the date
24 on which funds to carry out this section are appropriated

1 for fiscal year 2017 in such form as the Attorney General
2 may require. Such application shall include the following:

3 (1) An assurance that, for each fiscal year cov-
4 ered by an application, the applicant shall maintain
5 and report such data, records, and information (pro-
6 grammatic and financial) as the Attorney General
7 may reasonably require.

8 (2) A certification, made in a form acceptable
9 to the Attorney General, that—

10 (A) the programs funded by the grant
11 meet all the requirements of this section;

12 (B) all the information contained in the
13 application is correct; and

14 (C) the applicant will comply with all pro-
15 visions of this section and all other applicable
16 Federal laws.

17 (c) USE OF FUNDS.—The eligible entity awarded a
18 grant under this section shall use such amounts for the
19 establishment and maintenance of a National Resource
20 Center on Cybercrimes Against Individuals, which shall—

21 (1) offer a comprehensive array of technical as-
22 sistance and training resources to Federal, State,
23 and local governmental agencies, community-based
24 organizations, and other professionals and interested

1 parties, related to cybercrimes against individuals,
2 including programs and research related to victims;

3 (2) maintain a resource library which shall col-
4 lect, prepare, analyze, and disseminate information
5 and statistics related to—

6 (A) the incidence of cybercrimes against
7 individuals;

8 (B) the enforcement, and prosecution of
9 laws relating to cybercrimes against individuals;
10 and

11 (C) the provision of supportive services and
12 resources for victims of cybercrimes against in-
13 dividuals; and

14 (3) conduct research related to—

15 (A) the causes of cybercrimes against indi-
16 viduals;

17 (B) the effect of cybercrimes against indi-
18 viduals on victims of such crimes; and

19 (C) model solutions to prevent or deter
20 cybercrimes against individuals or to enforce
21 the laws relating to cybercrimes against individ-
22 uals.

23 (d) DURATION OF GRANT.—

24 (1) IN GENERAL.—The grant awarded under
25 this section shall be awarded for a period of 5 years.

1 (2) RENEWAL.—A grant under this section may
2 be renewed for additional 5-year periods if the At-
3 torney General determines that the funds made
4 available to the recipient were used in a manner de-
5 scribed in subsection (c), and if the recipient resub-
6 mits an application described in subsection (b) in
7 such form, and at such time as the Attorney General
8 may reasonably require.

9 (e) SUBGRANTS.—The eligible entity awarded a grant
10 under this section may make subgrants to other nonprofit
11 private organizations with relevant subject matter exper-
12 tise in order to establish and maintain the National Re-
13 source Center on Cybercrimes Against Individuals in ac-
14 cordance with subsection (c).

15 (f) REPORT TO THE SECRETARY.—On the date that
16 is one year after the date on which an eligible entity re-
17 ceives a grant under this section, and annually thereafter
18 for the duration of the grant period, the entity shall sub-
19 mit to the Attorney General a report which contains—

20 (1) a summary of the activities carried out
21 under the grant program during the previous year;

22 (2) an evaluation of the results of such activi-
23 ties; and

24 (3) such other information as the Attorney
25 General may reasonably require.

1 (g) REPORT TO CONGRESS.—Not later than Novem-
2 ber 1 of each even-numbered fiscal year, the Attorney
3 General shall submit to the Committee on the Judiciary
4 of the House of Representatives and the Committee on
5 the Judiciary of the Senate a report that contains a com-
6 pilation of the information contained in the report sub-
7 mitted under subsection (d).

8 (h) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 \$4,000,000 for each of fiscal years 2017 through 2021.

11 (i) DEFINITIONS.—In this section:

12 (1) CYBERCRIMES AGAINST INDIVIDUALS.—The
13 term “cybercrimes against individuals” has the
14 meaning given such term in section 2(g).

15 (2) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means a nonprofit private organization that fo-
17 cuses on cybercrimes against individuals and that—

18 (A) provides documentation to the Attor-
19 ney General demonstrating experience working
20 directly on issues of cybercrimes against indi-
21 viduals; and

22 (B) includes on the entity’s advisory board
23 representatives who have a documented history
24 of working directly on issues of cybercrimes

- 1 against individuals and who are geographically
- 2 and culturally diverse.

○