

agencies for use in resolving case conflicts, as provided in subsection (d);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

**(g) National Internet Crimes Against Children Data System Steering Committee**

The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (f), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

**(h) Authorization of appropriations**

There are authorized to be appropriated for each of the fiscal years 2009 through 2016, \$2,000,000 to carry out the provisions of this section.

(Pub. L. 110-401, title I, §105, Oct. 13, 2008, 122 Stat. 4236; Pub. L. 112-206, §8, Dec. 7, 2012, 126 Stat. 1493.)

AMENDMENTS

2012—Subsec. (e)(1)(B)(i). Pub. L. 112-206 struck out “the volume of suspected criminal activity or other” before “indicators of seriousness”.

**§ 17616. ICAC grant program**

**(a) Establishment**

**(1) In general**

The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 17614 of this title.

**(2) Formula grants**

**(A) Development of formula**

At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

**(B) Formula requirements**

Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

**(3) Distribution of remaining funds based on need**

**(A) In general**

Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

**(B) Matching requirement**

A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

**(C) Waiver**

The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

**(b) Application****(1) In general**

Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

**(2) Contents**

Each application submitted pursuant to paragraph (1) shall—

- (A) describe the activities for which assistance under this section is sought; and
- (B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subchapter.

**(c) Allowable uses**

Grants awarded under this section may be used to—

- (1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;
- (2) establish and support forensic laboratories utilized in Internet crimes against children investigations;
- (3) support investigations and prosecutions of Internet crimes against children;
- (4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;
- (5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and
- (6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

**(d) Reporting requirements****(1) ICAC reports**

To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103-62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

- (A) Staffing levels of the task force, including the number of investigators, pros-

ecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

- (i) the number of investigations initiated related to Internet crimes against children;
- (ii) the number of arrests related to Internet crimes against children; and
- (iii) the number of prosecutions for Internet crimes against children, including—
  - (I) whether the prosecution resulted in a conviction for such crime; and
  - (II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

**(2) Report to Congress**

Not later than 1 year after October 13, 2008, the Attorney General shall submit a report to Congress on—

- (A) the progress of the development of the ICAC Task Force Program established under section 17612 of this title; and
- (B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

(Pub. L. 110-401, title I, §106, Oct. 13, 2008, 122 Stat. 4238.)

## REFERENCES IN TEXT

The Government Performance and Results Act, referred to in subsec. (d)(1), probably means the Government Performance and Results Act of 1993, Pub. L. 103-62, Aug. 3, 1993, 107 Stat. 285, which enacted section 306 of Title 5, Government Organization and Employees, sections 1115 to 1119, 9703, and 9704 of Title 31, Money and Finance, and sections 2801 to 2805 of Title 39, Postal Service, amended section 1105 of Title 31, and enacted provisions set out as notes under sections 1101 and 1115 of Title 31. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 1101 of Title 31 and Tables.

**§ 17617. Authorization of appropriations****(a) In general**

There are authorized to be appropriated to carry out this subchapter—

- (1) \$60,000,000 for fiscal year 2009;