

Calendar No. 173

117TH CONGRESS
1ST SESSION

S. 2629

To establish cybercrime reporting mechanisms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2021

Mr. SCHATZ (for himself, Mr. TILLIS, Mr. CORNYN, Mr. BLUMENTHAL, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

DECEMBER 1, 2021

Reported by Mr. DURBIN, without amendment

A BILL

To establish cybercrime reporting mechanisms, 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 “Better Cybercrime
5 Metrics Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Public polling indicates that cybercrime
2 could be the most common crime in the United
3 States.

4 (2) The United States lacks comprehensive
5 cybercrime data and monitoring, leaving the country
6 less prepared to combat cybercrime that threatens
7 national and economic security.

8 (3) In addition to existing cybercrime vulnera-
9 bilities, the people of the United States and the
10 United States have faced a heightened risk of
11 cybercrime during the COVID–19 pandemic.

12 (4) Subsection (c) of the Uniform Federal
13 Crime Reporting Act of 1988 (34 U.S.C. 41303(c))
14 requires the Attorney General to “acquire, collect,
15 classify, and preserve national data on Federal
16 criminal offenses as part of the Uniform Crime Re-
17 ports” and requires all Federal departments and
18 agencies that investigate criminal activity to “report
19 details about crime within their respective jurisdic-
20 tion to the Attorney General in a uniform matter
21 and on a form prescribed by the Attorney General”.

22 **SEC. 3. CYBERCRIME TAXONOMY.**

23 (a) IN GENERAL.—Not later than 90 days after the
24 date of enactment of this Act, the Attorney General shall
25 seek to enter into an agreement with the National Acad-

1 emy of Sciences to develop a taxonomy for the purpose
2 of categorizing different types of cybercrime and cyber-
3 enabled crime faced by individuals and businesses.

4 (b) DEVELOPMENT.—In developing the taxonomy
5 under subsection (a), the National Academy of Sciences
6 shall—

7 (1) ensure the taxonomy is useful for the Fed-
8 eral Bureau of Investigation to classify cybercrime in
9 the National Incident-Based Reporting System, or
10 any successor system;

11 (2) consult relevant stakeholders, including—

12 (A) the Cybersecurity and Infrastructure
13 Security Agency of the Department of Home-
14 land Security;

15 (B) Federal, State, and local law enforce-
16 ment agencies;

17 (C) criminologists and academics;

18 (D) cybercrime experts; and

19 (E) business leaders; and

20 (3) take into consideration relevant taxonomies
21 developed by non-governmental organizations, inter-
22 national organizations, academies, or other entities.

23 (c) REPORT.—Not later than 1 year after the date
24 on which the Attorney General enters into an agreement
25 under subsection (a), the National Academy of Sciences

1 shall submit to the appropriate committees of Congress
2 a report detailing and summarizing—

3 (1) the taxonomy developed under subsection
4 (a); and

5 (2) any findings from the process of developing
6 the taxonomy under subsection (a).

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this section
9 \$1,000,000.

10 **SEC. 4. CYBERCRIME REPORTING.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this Act, the Attorney General shall
13 establish a category in the National Incident-Based Re-
14 porting System, or any successor system, for the collection
15 of cybercrime and cyber-enabled crime reports from Fed-
16 eral, State, and local officials.

17 (b) RECOMMENDATIONS.—In establishing the cat-
18 egory required under subsection (a), the Attorney General
19 shall, as appropriate, incorporate recommendations from
20 the taxonomy developed under section 3(a).

21 **SEC. 5. NATIONAL CRIME VICTIMIZATION SURVEY.**

22 (a) IN GENERAL.—Not later than 540 days after the
23 date of enactment of this Act, the Director of the Bureau
24 of Justice Statistics, in coordination with the Director of
25 the Bureau of the Census, shall include questions relating

1 to cybercrime victimization in the National Crime Victim-
2 ization Survey.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$2,000,000.

6 **SEC. 6. GAO STUDY ON CYBERCRIME METRICS.**

7 Not later than 180 days after the date of enactment
8 of this Act, the Comptroller General of the United States
9 shall submit to Congress a report that assesses—

10 (1) the effectiveness of reporting mechanisms
11 for cybercrime and cyber-enabled crime in the
12 United States; and

13 (2) disparities in reporting data between—

14 (A) data relating to cybercrime and cyber-
15 enabled crime; and

16 (B) other types of crime data.

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