

# Calendar No. 70

118TH CONGRESS  
1ST SESSION

# S. 1207

To establish a National Commission on Online Child Sexual Exploitation Prevention, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 19, 2023

Mr. GRAHAM (for himself, Mr. BLUMENTHAL, Mr. GRASSLEY, Mr. DURBIN, Mrs. HYDE-SMITH, Mrs. FEINSTEIN, Mr. HAWLEY, Ms. CORTEZ MASTO, Mr. TILLIS, Ms. HASSAN, Ms. ERNST, Mr. WARNER, Ms. MURKOWSKI, Mr. WHITEHOUSE, Ms. COLLINS, Ms. HIRONO, Mr. CRUZ, Mr. RUBIO, Mr. CORNYN, Mr. KENNEDY, Mrs. BLACKBURN, and Mr. RICKETTS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 15, 2023

Reported by Mr. DURBIN, with amendments

[Insert the part printed in italic]

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## A BILL

To establish a National Commission on Online Child Sexual Exploitation Prevention, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Eliminating Abusive  
3 and Rampant Neglect of Interactive Technologies Act of  
4 2023” or the “EARN IT Act of 2023”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) **COMMISSION.**—The term “Commission”  
8 means the National Commission on Online Child  
9 Sexual Exploitation Prevention.

10 (2) **INTERACTIVE COMPUTER SERVICE.**—The  
11 term “interactive computer service” has the meaning  
12 given the term in section 230(f)(2) of the Commu-  
13 nications Act of 1934 (47 U.S.C. 230(f)(2)).

14 **SEC. 3. NATIONAL COMMISSION ON ONLINE CHILD SEXUAL**  
15 **EXPLOITATION PREVENTION.**

16 (a) **ESTABLISHMENT.**—There is established a Na-  
17 tional Commission on Online Child Sexual Exploitation  
18 Prevention.

19 (b) **PURPOSE.**—The purpose of the Commission is to  
20 develop recommended best practices that providers of  
21 interactive computer services may choose to implement to  
22 prevent, reduce, and respond to the online sexual exploi-  
23 tation of children, including the enticement, sex traf-  
24 ficking, and sexual abuse of children and the proliferation  
25 of online child sexual abuse material.

26 (c) **MEMBERSHIP.**—

1 (1) COMPOSITION.—

2 (A) IN GENERAL.—The Commission shall  
3 be composed of 19 members.

4 (B) AGENCY HEADS.—The following Fed-  
5 eral officials shall serve as members of the  
6 Commission:

7 (i) The Attorney General or his or her  
8 representative.

9 (ii) The Secretary of Homeland Secu-  
10 rity or his or her representative.

11 (iii) The Chairman of the Federal  
12 Trade Commission or his or her represent-  
13 ative.

14 (C) OTHER MEMBERS.—Of the remaining  
15 16 members of the Commission—

16 (i) 4 shall be appointed by the major-  
17 ity leader of the Senate, of whom—

18 (I) 1 shall have the qualifications  
19 required under clause (i) or (ii) of  
20 paragraph (2)(A);

21 (II) 1 shall have the qualifica-  
22 tions required under paragraph  
23 (2)(B);

1 (III) 1 shall have the qualifica-  
2 tions required under clause (i) or (ii)  
3 of paragraph (2)(C); and

4 (IV) 1 shall have the qualifica-  
5 tions required under clause (i) or (ii)  
6 of paragraph (2)(D);

7 (ii) 4 shall be appointed by the minor-  
8 ity leader of the Senate, of whom—

9 (I) 1 shall have the qualifications  
10 required under clause (i) or (ii) of  
11 paragraph (2)(A);

12 (II) 1 shall have the qualifica-  
13 tions required under paragraph  
14 (2)(B);

15 (III) 1 shall have the qualifica-  
16 tions required under clause (i) or (ii)  
17 of paragraph (2)(C); and

18 (IV) 1 shall have the qualifica-  
19 tions required under clause (i) or (ii)  
20 of paragraph (2)(D);

21 (iii) 4 shall be appointed by the  
22 Speaker of the House of Representatives,  
23 of whom—

1 (I) 1 shall have the qualifications  
2 required under clause (i) or (ii) of  
3 paragraph (2)(A);

4 (II) 1 shall have the qualifica-  
5 tions required under paragraph  
6 (2)(B);

7 (III) 1 shall have the qualifica-  
8 tions required under clause (i) or (ii)  
9 of paragraph (2)(C); and

10 (IV) 1 shall have the qualifica-  
11 tions required under clause (i) or (ii)  
12 of paragraph (2)(D); and

13 (iv) 4 shall be appointed by the minor-  
14 ity leader of the House of Representatives,  
15 of whom—

16 (I) 1 shall have the qualifications  
17 required under clause (i) or (ii) of  
18 paragraph (2)(A);

19 (II) 1 shall have the qualifica-  
20 tions required under paragraph  
21 (2)(B);

22 (III) 1 shall have the qualifica-  
23 tions required under clause (i) or (ii)  
24 of paragraph (2)(C); and

1 (IV) 1 shall have the qualifica-  
2 tions required under clause (i) or (ii)  
3 of paragraph (2)(D).

4 (2) QUALIFICATIONS.—Of the 16 members of  
5 the Commission appointed under paragraph  
6 (1)(C)—

7 (A) 4 shall have current experience in in-  
8 vestigating online child sexual exploitation  
9 crimes, of whom—

10 (i) 2 shall have such experience in a  
11 law enforcement capacity; and

12 (ii) 2 shall have such experience in a  
13 prosecutorial capacity;

14 (B) 4 shall be survivors of online child sex-  
15 ual exploitation, or have current experience in  
16 providing services for victims of online child  
17 sexual exploitation in a non-governmental ca-  
18 pacity;

19 (C)(i) 2 shall have current experience in  
20 matters related to consumer protection, civil lib-  
21 erties, civil rights, or privacy; and

22 (ii) 2 shall have current experience in com-  
23 puter science or software engineering related to  
24 matters of cryptography, data security, or arti-

1           ficial intelligence in a non-governmental capac-  
2           ity; and

3           (D) 4 shall be individuals who each cur-  
4           rently work for an interactive computer service  
5           that is unrelated to each other interactive com-  
6           puter service represented under this subpara-  
7           graph, representing diverse types of businesses  
8           and areas of professional expertise, of whom—

9           (i) 2 shall have current experience in  
10          addressing online child sexual exploitation  
11          and promoting child safety at an inter-  
12          active computer service with not less than  
13          30,000,000 monthly users in the United  
14          States; and

15          (ii) 2 shall have current experience in  
16          addressing online child sexual exploitation  
17          and promoting child safety at an inter-  
18          active computer service with less than  
19          10,000,000 monthly users in the United  
20          States.

21          (3) DATE.—The initial appointments of mem-  
22          bers to the Commission under paragraph (1)(C)  
23          shall be made not later than 90 days after the date  
24          of enactment of this Act.

25          (d) PERIOD OF APPOINTMENT; VACANCIES.—

1           (1) PERIOD OF APPOINTMENT.—A member of  
2           the Commission shall be appointed for a term of 5  
3           years.

4           (2) VACANCIES.—

5                 (A) EFFECT ON COMMISSION.—Any va-  
6                 cancy in the Commission shall not affect the  
7                 powers of the Commission.

8                 (B) FILLING OF VACANCIES.—A vacancy  
9                 in the Commission shall be filled in the same  
10                manner as the original appointment under sub-  
11                section (c)(1).

12           (e) INITIAL MEETING.—The Commission shall hold  
13           the first meeting of the Commission not later than 60 days  
14           after the date on which a majority of the members of the  
15           Commission have been appointed.

16           (f) CHAIRPERSON.—The Attorney General or his or  
17           her representative shall serve as the Chairperson of the  
18           Commission.

19           (g) QUORUM.—A majority of the members of the  
20           Commission shall constitute a quorum, but a lesser num-  
21           ber of members may hold a meeting.

22           (h) MEETINGS.—The Commission shall meet at the  
23           call of the Chairperson.

24           (i) AUTHORITY OF COMMISSION.—The Commission  
25           may, for the purpose of carrying out this section and sec-



1 tion 4, hold such hearings, sit and act at such times and  
2 places, take such testimony, and receive such evidence as  
3 the Commission considers appropriate.

4 (j) INFORMATION FROM FEDERAL AGENCIES.—

5 (1) IN GENERAL.—The Commission may secure  
6 directly from any Federal department or agency  
7 such information as the Commission considers nec-  
8 essary to carry out this section and section 4.

9 (2) FURNISHING INFORMATION.—Upon request  
10 of the Chairperson of the Commission for informa-  
11 tion under paragraph (1), the head of a Federal de-  
12 partment or agency shall furnish the information to  
13 the Commission, unless the information is subject to  
14 an active investigation or otherwise privileged or  
15 confidential.

16 (k) TRAVEL EXPENSES.—A member of the Commis-  
17 sion shall serve without compensation, but shall be allowed  
18 travel expenses, including per diem in lieu of subsistence,  
19 at rates authorized for employees of agencies under sub-  
20 chapter I of chapter 57 of title 5, United States Code,  
21 while away from the home or regular places of business  
22 of the member in the performance of services for the Com-  
23 mission.

24 (l) DURATION.—Section 1013 of title 5, United  
25 States Code, shall not apply to the Commission.

1 **SEC. 4. DUTIES OF THE COMMISSION.**

2 (a) **RECOMMENDED BEST PRACTICES.—**

3 (1) **INITIAL RECOMMENDATIONS.—**

4 (A) **IN GENERAL.—**Not later than 18  
5 months after the date on which a majority of  
6 the members of the Commission required to be  
7 appointed under section 3(c)(1)(C) have been so  
8 appointed, the Commission shall develop and  
9 submit to the Attorney General recommended  
10 best practices that providers of interactive com-  
11 puter services may choose to engage in to pre-  
12 vent, reduce, and respond to the online sexual  
13 exploitation of children, including the entice-  
14 ment, sex trafficking, and sexual abuse of chil-  
15 dren and the proliferation of online child sexual  
16 abuse material.

17 (B) **REQUIREMENTS.—**

18 (i) **ALTERNATIVE BEST PRACTICES.—**

19 The best practices required to be developed  
20 and submitted under subparagraph (A)  
21 shall include alternatives that take into  
22 consideration—

23 (I) the size, type of product, and  
24 business model of a provider of an  
25 interactive computer service;

1 (II) whether an interactive com-  
2 puter service—

3 (aa) is made available to the  
4 public;

5 (bb) is primarily responsible  
6 for hosting, storage, display, and  
7 retrieval of information on behalf  
8 of third parties, including pro-  
9 viders of other interactive com-  
10 puter services; or

11 (cc) provides the capability  
12 to transmit data to and receive  
13 data from all or substantially all  
14 internet endpoints on behalf of a  
15 consumer; and

16 (III) whether a type of product,  
17 business model, product design, or  
18 other factors related to the provision  
19 of an interactive computer service  
20 could make a product or service sus-  
21 ceptible to the use and facilitation of  
22 online child sexual exploitation.

23 (ii) SCOPE.—Notwithstanding para-  
24 graph (3), the alternatives described in  
25 clause (i) of this subparagraph may ex-

1           clude certain matters required to be ad-  
2           dressed under paragraph (3), as the Com-  
3           mission determines appropriate based on  
4           the nature of particular products or serv-  
5           ices, the factors described in such clause  
6           (i), or other factors relevant to the pur-  
7           poses of this Act.

8           (2) SUPPORT REQUIREMENT.—The Commission  
9           may only recommend the best practices under para-  
10          graph (1) if not fewer than 14 members of the Com-  
11          mission support the best practices.

12          (3) MATTERS ADDRESSED.—The matters ad-  
13          dressed by the recommended best practices devel-  
14          oped and submitted by the Commission under para-  
15          graph (1) shall include—

16                (A) preventing, identifying, disrupting, and  
17                reporting online child sexual exploitation;

18                (B) coordinating with non-profit organiza-  
19                tions and other providers of interactive com-  
20                puter services to preserve, remove from view,  
21                and report online child sexual exploitation;

22                (C) retaining child sexual exploitation con-  
23                tent and related user identification and location  
24                data;

1 (D) receiving and triaging reports of online  
2 child sexual exploitation by users of interactive  
3 computer services, including self-reporting;

4 (E) implementing a standard rating and  
5 categorization system to identify the type and  
6 severity of child sexual abuse material;

7 (F) training and supporting content mod-  
8 erators who review child sexual exploitation con-  
9 tent for the purposes of preventing and dis-  
10 rupting online child sexual exploitation;

11 (G) preparing and issuing transparency re-  
12 ports, including disclosures in terms of service,  
13 relating to identifying, categorizing, and report-  
14 ing online child sexual exploitation and efforts  
15 to prevent and disrupt online child sexual ex-  
16 ploitation;

17 (H) coordinating with voluntary initiatives  
18 offered among and to providers of interactive  
19 computer services relating to identifying, cat-  
20 egorizing, and reporting online child sexual ex-  
21 ploitation;

22 (I) employing age rating and age gating  
23 systems to reduce online child sexual exploi-  
24 tation;

1 (J) offering parental control products that  
2 enable customers to limit the types of websites,  
3 social media platforms, and internet content  
4 that are accessible to children; and

5 (K) contractual and operational practices  
6 to ensure third parties, contractors, and affili-  
7 ates comply with the best practices.

8 (4) RELEVANT CONSIDERATIONS.—In devel-  
9 oping best practices under paragraph (1), the Com-  
10 mission shall consider—

11 (A) the cost and technical limitations of  
12 implementing the best practices;

13 (B) the impact on competition, product  
14 and service quality, data security, and privacy;

15 (C) the impact on the ability of law en-  
16 forcement agencies to investigate and prosecute  
17 child sexual exploitation and rescue victims; and

18 (D) the current state of technology.

19 (5) PERIODIC UPDATES.—Not less frequently  
20 than once every 5 years, the Commission shall up-  
21 date and resubmit to the Attorney General rec-  
22 ommended best practices under paragraph (1).

23 (b) PUBLICATION OF BEST PRACTICES.—Not later  
24 than 30 days after the date on which the Commission sub-  
25 mits recommended best practices under subsection (a), in-

1 cluding updated recommended best practices under para-  
2 graph (5) of that subsection, the Attorney General shall  
3 publish the recommended best practices on the website of  
4 the Department of Justice and in the Federal Register.

5 **SEC. 5. PROTECTING VICTIMS OF ONLINE CHILD SEXUAL**  
6 **ABUSE.**

7 Section 230(e) of the Communications Act of 1934  
8 (47 U.S.C. 230(e)) is amended by adding at the end the  
9 following:

10 “(6) NO EFFECT ON CHILD SEXUAL EXPLOI-  
11 TATION LAW.—Nothing in this section (other than  
12 subsection (c)(2)(A)) shall be construed to impair or  
13 limit—

14 “(A) any claim in a civil action brought  
15 against a provider of an interactive computer  
16 service under section 2255 of title 18, United  
17 States Code, if the conduct underlying the  
18 claim constitutes a violation of section 2252 or  
19 section 2252A of that title;

20 “(B) any charge in a criminal prosecution  
21 brought against a provider of an interactive  
22 computer service under State law regarding the  
23 *intentional, knowing, or reckless* advertisement,  
24 promotion, presentation, distribution, or solici-  
25 tation of child sexual abuse material, as defined

1 in section 2256(8) of title 18, United States  
2 Code; or

3 “(C) any claim in a civil action brought  
4 against a provider of an interactive computer  
5 service under State law regarding the *inten-*  
6 *tional, knowing, or reckless* advertisement, pro-  
7 motion, presentation, distribution, or sollicita-  
8 tion of child sexual abuse material, as defined  
9 in section 2256(8) of title 18, United States  
10 Code.

11 “(7) ENCRYPTION TECHNOLOGIES.—

12 “(A) IN GENERAL.—Notwithstanding para-  
13 graph (6), none of the following actions or cir-  
14 cumstances shall serve as an independent basis  
15 for liability of a provider of an interactive com-  
16 puter service for a claim or charge described in  
17 that paragraph:

18 “(i) The provider utilizes full end-to-  
19 end encrypted messaging services, device  
20 encryption, or other encryption services.

21 “(ii) The provider does not possess  
22 the information necessary to decrypt a  
23 communication.

24 “(iii) The provider fails to take an ac-  
25 tion that would otherwise undermine the



1 ability of the provider to offer full end-to-  
2 end encrypted messaging services, device  
3 encryption, or other encryption services.

4 “(B) CONSIDERATION OF EVIDENCE.—  
5 Nothing in subparagraph (A) shall be construed  
6 to prohibit a court from considering evidence of  
7 actions or circumstances described in that sub-  
8 paragraph if the evidence is otherwise admis-  
9 sible.”.

10 **SEC. 6. USE OF TERM “CHILD SEXUAL ABUSE MATERIAL”.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that the term “child sexual abuse material” has the  
13 same legal meaning as the term “child pornography”, as  
14 that term was used in Federal statutes and case law before  
15 the date of enactment of this Act.

16 (b) AMENDMENTS.—

17 (1) TITLE 5, UNITED STATES CODE.—Chapter  
18 65 of title 5, United States Code, is amended—

19 (A) in section 6502(a)(2)(B), by striking  
20 “child pornography” and inserting “child sexual  
21 abuse material”; and

22 (B) in section 6504(c)(2)(F), by striking  
23 “child pornography” and inserting “child sexual  
24 abuse material”.

1           (2) HOMELAND SECURITY ACT OF 2002.—The  
2 Homeland Security Act of 2002 (6 U.S.C. 101 et  
3 seq.) is amended—

4           (A) in section 307(b)(3)(D) (6 U.S.C.  
5 187(b)(3)(D)), by striking “child pornography”  
6 and inserting “child sexual abuse material”;  
7 and

8           (B) in section 890A (6 U.S.C. 473)—

9           (i) in subsection (b)(2)(A)(ii), by  
10 striking “child pornography” and inserting  
11 “child sexual abuse material”; and

12           (ii) in subsection (e)(3)(B)(ii), by  
13 striking “child pornography” and inserting  
14 “child sexual abuse material”.

15           (3) IMMIGRATION AND NATIONALITY ACT.—Sec-  
16 tion 101(a)(43)(I) of the Immigration and Nation-  
17 ality Act (8 U.S.C. 1101(a)(43)(I)) is amended by  
18 striking “child pornography” and inserting “child  
19 sexual abuse material”.

20           (4) SMALL BUSINESS JOBS ACT OF 2010.—Sec-  
21 tion 3011(c) of the Small Business Jobs Act of 2010  
22 (12 U.S.C. 5710(c)) is amended by striking “child  
23 pornography” and inserting “child sexual abuse ma-  
24 terial”.

1           (5) BROADBAND DATA IMPROVEMENT ACT.—  
2           Section 214(a)(2) of the Broadband Data Improve-  
3           ment Act (15 U.S.C. 6554(a)(2)) is amended by  
4           striking “child pornography” and inserting “child  
5           sexual abuse material”.

6           (6) CAN-SPAM ACT OF 2003.—Section  
7           4(b)(2)(B) of the CAN-SPAM Act of 2003 (15  
8           U.S.C. 7703(b)(2)(B)) is amended by striking “child  
9           pornography” and inserting “child sexual abuse ma-  
10          terial”.

11          (7) TITLE 18, UNITED STATES CODE.—Title 18,  
12          United States Code, is amended—

13                 (A) in section 1956(c)(7)(D), by striking  
14                 “child pornography” each place the term ap-  
15                 pears and inserting “child sexual abuse mate-  
16                 rial”;

17                 (B) in chapter 110—

18                         (i) in section 2251(e), by striking  
19                         “child pornography” and inserting “child  
20                         sexual abuse material”;

21                         (ii) in section 2252(b)—

22                                 (I) in paragraph (1), by striking  
23                                 “child pornography” and inserting  
24                                 “child sexual abuse material”; and

1 (II) in paragraph (2), by striking  
2 “child pornography” and inserting  
3 “child sexual abuse material”;

4 (iii) in section 2252A—

5 (I) in the section heading, by  
6 striking “**material constituting**  
7 **or containing child pornog-**  
8 **raphy**” and inserting “**child sex-**  
9 **ual abuse material**”;

10 (II) in subsection (a)—

11 (aa) in paragraph (1), by  
12 striking “child pornography” and  
13 inserting “child sexual abuse ma-  
14 terial”;

15 (bb) in paragraph (2)—

16 (AA) in subparagraph  
17 (A), by striking “child por-  
18 nography” and inserting  
19 “child sexual abuse mate-  
20 rial”; and

21 (BB) in subparagraph  
22 (B), by striking “material  
23 that contains child pornog-  
24 raphy” and inserting “child  
25 sexual abuse material”;

1 (cc) in paragraph (3)(A), by  
2 striking “child pornography” and  
3 inserting “child sexual abuse ma-  
4 terial”;

5 (dd) in paragraph (4)—

6 (AA) in subparagraph  
7 (A), by striking “child por-  
8 nography” and inserting  
9 “child sexual abuse mate-  
10 rial”; and

11 (BB) in subparagraph  
12 (B), by striking “child por-  
13 nography” and inserting  
14 “child sexual abuse mate-  
15 rial”;

16 (ee) in paragraph (5)—

17 (AA) in subparagraph  
18 (A), by striking “material  
19 that contains an image of  
20 child pornography” and in-  
21 sserting “item containing  
22 child sexual abuse material”;  
23 and

24 (BB) in subparagraph  
25 (B), by striking “material

1 that contains an image of  
2 child pornography” and in-  
3 sserting “item containing  
4 child sexual abuse material”;  
5 and  
6 (ff) in paragraph (7)—  
7 (AA) by striking “child  
8 pornography” and inserting  
9 “child sexual abuse mate-  
10 rial”; and  
11 (BB) by striking the  
12 period at the end and insert-  
13 ing a comma;  
14 (III) in subsection (b)—  
15 (aa) in paragraph (1), by  
16 striking “child pornography” and  
17 inserting “child sexual abuse ma-  
18 terial”; and  
19 (bb) in paragraph (2), by  
20 striking “child pornography”  
21 each place the term appears and  
22 inserting “child sexual abuse ma-  
23 terial”;  
24 (IV) in subsection (c)—

1 (aa) in paragraph (1)(A), by  
2 striking “child pornography” and  
3 inserting “child sexual abuse ma-  
4 terial”;

5 (bb) in paragraph (2), by  
6 striking “child pornography” and  
7 inserting “child sexual abuse ma-  
8 terial”; and

9 (cc) in the undesignated  
10 matter following paragraph (2),  
11 by striking “child pornography”  
12 and inserting “child sexual abuse  
13 material”;

14 (V) in subsection (d)(1), by strik-  
15 ing “child pornography” and inserting  
16 “child sexual abuse material”; and

17 (VI) in subsection (e), by striking  
18 “child pornography” each place the  
19 term appears and inserting “child sex-  
20 ual abuse material”;

21 (iv) in section 2256(8)—

22 (I) by striking “child pornog-  
23 raphy” and inserting “child sexual  
24 abuse material”; and

- 1 (II) by striking the period at the  
2 end and inserting a semicolon;  
3 (v) in section 2257A(h)—  
4 (I) in paragraph (1)(A)(iii)—  
5 (aa) by inserting a comma  
6 after “marketed”;  
7 (bb) by striking “such than”  
8 and inserting “such that”; and  
9 (cc) by striking “a visual de-  
10 pication that is child pornog-  
11 raphy” and inserting “child sex-  
12 ual abuse material”; and  
13 (II) in paragraph (2), by striking  
14 “any visual depiction that is child por-  
15 nography” and inserting “child sexual  
16 abuse material”;  
17 (vi) in section 2258A—  
18 (I) in subsection (a)(2)—  
19 (aa) in subparagraph (A),  
20 by striking “child pornography”  
21 and inserting “child sexual abuse  
22 material”; and  
23 (bb) in subparagraph (B),  
24 by striking “child pornography”



1 and inserting “child sexual abuse  
2 material”;

3 (II) in subsection (b)—

4 (aa) in paragraph (4)—

5 (AA) in the paragraph  
6 heading, by striking “VIS-  
7 UAL DEPICTIONS OF APPAR-  
8 ENT CHILD PORNOGRAPHY”  
9 and inserting “APPARENT  
10 CHILD SEXUAL ABUSE MA-  
11 TERIAL”; and

12 (BB) by striking “vis-  
13 ual depiction of apparent  
14 child pornography” and in-  
15 serting “apparent child sex-  
16 ual abuse material”; and

17 (bb) in paragraph (5), by  
18 striking “visual depiction of ap-  
19 parent child pornography” and  
20 inserting “apparent child sexual  
21 abuse material”; and

22 (III) in subsection (g)(2)(B), by  
23 striking “visual depictions of apparent  
24 child pornography” and inserting “ap-  
25 parent child sexual abuse material”;

1 (vii) in section 2258C—

2 (I) in the section heading, by  
3 striking “**Use to combat child**  
4 **pornography of technical ele-**  
5 **ments relating to reports**  
6 **made to the CyberTipline”** and  
7 inserting “**Use of technical ele-**  
8 **ments from reports made to**  
9 **the CyberTipline to combat**  
10 **child sexual abuse material”**;

11 (II) in subsection (a)—

12 (aa) in paragraph (2), by  
13 striking “child pornography” and  
14 inserting “child sexual abuse ma-  
15 terial”; and

16 (bb) in paragraph (3), by  
17 striking “the actual visual depic-  
18 tions of apparent child pornog-  
19 raphy” and inserting “any appar-  
20 ent child sexual abuse material”;

21 (III) in subsection (d), by strik-  
22 ing “child pornography visual depic-  
23 tion” and inserting “child sexual  
24 abuse material visual depiction”; and

1 (IV) in subsection (e), by striking  
2 “child pornography visual depiction”  
3 and inserting “child sexual abuse ma-  
4 terial visual depiction”;  
5 (viii) in section 2259—

6 (I) in paragraph (b)(2)—  
7 (aa) in the paragraph head-  
8 ing, by striking “CHILD PORNOG-  
9 RAPHY” and inserting “CHILD  
10 SEXUAL ABUSE MATERIAL”;

11 (bb) in the matter preceding  
12 subparagraph (A), by striking  
13 “child pornography” and insert-  
14 ing “child sexual abuse mate-  
15 rial”; and

16 (cc) in subparagraph (A), by  
17 striking “child pornography” and  
18 inserting “child sexual abuse ma-  
19 terial”;

20 (II) in subsection (c)—

21 (aa) in paragraph (1)—

22 (AA) in the paragraph  
23 heading, by striking “CHILD  
24 PORNOGRAPHY PRODU-  
25 TION” and inserting “PRO-

1                   DUCTION OF CHILD SEXUAL  
2                   ABUSE MATERIAL”;

3                   (BB) by striking “child  
4                   pornography     production”  
5                   and inserting “production of  
6                   child sexual abuse material”;  
7                   and

8                   (CC) by striking “pro-  
9                   duction of child pornog-  
10                  raphy” and inserting “pro-  
11                  duction of child sexual abuse  
12                  material”;

13                  (bb) in paragraph (2), in the  
14                  matter preceding subparagraph  
15                  (A), by striking “trafficking in  
16                  child pornography offenses” each  
17                  place the term appears and in-  
18                  serting “offenses for trafficking  
19                  in child sexual abuse material”;  
20                  and

21                  (cc) in paragraph (3)—

22                  (AA) in the paragraph  
23                  heading, by striking “CHILD  
24                  PORNOGRAPHY” and insert-

1 ing “CHILD SEXUAL ABUSE  
2 MATERIAL”; and

3 (BB) by striking “child  
4 pornography” and inserting  
5 “child sexual abuse mate-  
6 rial”; and

7 (III) in subsection (d)(1)—

8 (aa) in subparagraph (A)—

9 (AA) by striking “child  
10 pornography” each place the  
11 term appears and inserting  
12 “child sexual abuse mate-  
13 rial”; and

14 (BB) by striking “Child  
15 Pornography Victims Re-  
16 serve” and inserting “Re-  
17 serve for Victims of Child  
18 Sexual Abuse Material”;

19 (bb) in subparagraph (B),  
20 by striking “child pornography”  
21 and inserting “child sexual abuse  
22 material”; and

23 (cc) in subparagraph (C)—

24 (AA) by striking “child  
25 pornography” and inserting

1 “child sexual abuse mate-  
2 rial”; and

3 (BB) by striking “Child  
4 Pornography Victims Re-  
5 serve” and inserting “Re-  
6 serve for Victims of Child  
7 Sexual Abuse Material”;

8 (ix) in section 2259A—

9 (I) in the section heading, by  
10 striking “**child pornography**  
11 **cases**” and inserting “**cases in-**  
12 **volving child sexual abuse**  
13 **material**”;

14 (II) in subsection (a)—

15 (aa) in paragraph (2), by  
16 striking “child pornography” and  
17 inserting “child sexual abuse ma-  
18 terial”; and

19 (bb) in paragraph (3), by  
20 striking “a child pornography  
21 production offense” and inserting  
22 “an offense for production of  
23 child sexual abuse material”; and

24 (III) in subsection (d)(2)(B), by  
25 striking “child pornography produc-

1 tion or trafficking offense that the de-  
2 fendant committed” and inserting “of-  
3 fense for production of child sexual  
4 abuse material or trafficking in child  
5 sexual abuse material committed by  
6 the defendant”; and

7 (x) in section 2259B—

8 (I) in the section heading, by  
9 striking “**Child pornography**  
10 **victims reserve**” and inserting  
11 “**Reserve for child sexual**  
12 **abuse material**”;

13 (II) in subsection (a), by striking  
14 “Child Pornography Victims Reserve”  
15 each place the term appears and in-  
16 sserting “Reserve for Victims of Child  
17 Sexual Abuse Material”;

18 (III) in subsection (b), by strik-  
19 ing “Child Pornography Victims Re-  
20 serve” each place the term appears  
21 and inserting “Reserve for Victims of  
22 Child Sexual Abuse Material”; and

23 (IV) in subsection (c), by striking  
24 “Child Pornography Victims Reserve”

1 and inserting “Reserve for Victims of  
2 Child Sexual Abuse Material”;

3 (C) in chapter 117—

4 (i) in section 2423(f)(3), by striking  
5 “child pornography” and inserting “child  
6 sexual abuse material”; and

7 (ii) in section 2427—

8 (I) in the section heading, by  
9 striking “**child pornography**”  
10 and inserting “**child sexual abuse**  
11 **material**”; and

12 (II) by striking “child pornog-  
13 raphy” and inserting “child sexual  
14 abuse material”;

15 (D) in section 2516—

16 (i) in paragraph (1)(c), by striking  
17 “material constituting or containing child  
18 pornography” and inserting “child sexual  
19 abuse material”; and

20 (ii) in paragraph (2), by striking  
21 “child pornography production” and in-  
22 sserting “production of child sexual abuse  
23 material”;



1 (E) in section 3014(h)(3), by striking  
2 “child pornography victims” and inserting “vic-  
3 tims of child sexual abuse material”;

4 (F) in section 3509—

5 (i) in subsection (a)(6), by striking  
6 “child pornography” and inserting “child  
7 sexual abuse material”; and

8 (ii) in subsection (m)—

9 (I) in the subsection heading, by  
10 striking “CHILD PORNOGRAPHY” and  
11 inserting “CHILD SEXUAL ABUSE  
12 MATERIAL”;

13 (II) in paragraph (1), by striking  
14 “property or material that constitutes  
15 child pornography (as defined by sec-  
16 tion 2256 of this title)” and inserting  
17 “child sexual abuse material (as de-  
18 fined by section 2256 of this title), or  
19 property or items containing such ma-  
20 terial,”;

21 (III) in paragraph (2)—

22 (aa) in subparagraph (A)—

23 (AA) by striking “prop-  
24 erty or material that con-  
25 stitutes child pornography

1 (as defined by section 2256  
2 of this title)” and inserting  
3 “child sexual abuse material  
4 (as defined by section 2256  
5 of this title), or property or  
6 items containing such mate-  
7 rial,”; and  
8 (BB) by striking “the  
9 property or material” and  
10 inserting “the child sexual  
11 abuse material, property, or  
12 items”; and  
13 (bb) in subparagraph (B),  
14 by striking “property or mate-  
15 rial” each place the term appears  
16 and inserting “child sexual abuse  
17 material, property, or items”;  
18 and  
19 (IV) in paragraph (3)—  
20 (aa) by striking “property or  
21 material that constitutes child  
22 pornography, as defined under  
23 section 2256(8)” and inserting  
24 “child sexual abuse material (as

1 defined by section 2256 of this  
2 title”);

3 (bb) by striking “such child  
4 pornography” and inserting  
5 “such child sexual abuse mate-  
6 rial”; and

7 (cc) by striking “Such prop-  
8 erty or material” and inserting  
9 “Such child sexual abuse mate-  
10 rial”; and

11 (G) in section 3632(d)(4)(D)(xlii), by  
12 striking “material constituting or containing  
13 child pornography” and inserting “child sexual  
14 abuse material”.

15 (8) TARIFF ACT OF 1930.—Section  
16 583(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C.  
17 1583(a)(2)(B)) is amended by striking “child por-  
18 nography” and inserting “child sexual abuse mate-  
19 rial”.

20 (9) ELEMENTARY AND SECONDARY EDUCATION  
21 ACT OF 1965.—Section 4121 of the Elementary and  
22 Secondary Education Act of 1965 (20 U.S.C. 7131)  
23 is amended—

24 (A) in subsection (a)—

1 (i) in paragraph (1)(A)(ii), by striking  
 2 “child pornography” and inserting “child  
 3 sexual abuse material”; and

4 (ii) in paragraph (2)(A)(ii), by strik-  
 5 ing “child pornography” and inserting  
 6 “child sexual abuse material”; and

7 (B) in subsection (e)(5)—

8 (i) in the paragraph heading, by strik-  
 9 ing “CHILD PORNOGRAPHY” and inserting  
 10 “CHILD SEXUAL ABUSE MATERIAL”; and

11 (ii) by striking “child pornography”  
 12 and inserting “child sexual abuse mate-  
 13 rial”.

14 (10) MUSEUM AND LIBRARY SERVICES ACT.—  
 15 Section 224(f) of the Museum and Library Services  
 16 Act (20 U.S.C. 9134(f)) is amended—

17 (A) in paragraph (1)—

18 (i) in subparagraph (A)(i)(II), by  
 19 striking “child pornography” and inserting  
 20 “child sexual abuse material”; and

21 (ii) in subparagraph (B)(i)(II), by  
 22 striking “child pornography” and inserting  
 23 “child sexual abuse material”; and

24 (B) in paragraph (7)(A)—

1 (i) in the subparagraph heading, by  
2 striking “CHILD PORNOGRAPHY” and in-  
3 sserting “CHILD SEXUAL ABUSE MATE-  
4 RIAL”; and

5 (ii) by striking “child pornography”  
6 and inserting “child sexual abuse mate-  
7 rial”.

8 (11) OMNIBUS CRIME CONTROL AND SAFE  
9 STREETS ACT OF 1968.—Section 3031(b)(3) of title  
10 I of the Omnibus Crime Control and Safe Streets  
11 Act of 1968 (34 U.S.C. 10721(b)(3)) is amended by  
12 striking “child pornography” and inserting “child  
13 sexual abuse material”.

14 (12) JUVENILE JUSTICE AND DELINQUENCY  
15 PREVENTION ACT OF 1974.—Section 404(b)(1)(K) of  
16 the Juvenile Justice and Delinquency Prevention Act  
17 of 1974 (34 U.S.C. 11293(b)(1)(K)) is amended—

18 (A) in clause (i)(I)(aa), by striking “child  
19 pornography” and inserting “child sexual abuse  
20 material”; and

21 (B) in clause (ii), by striking “child por-  
22 nography” and inserting “child sexual abuse  
23 material”.

24 (13) VICTIMS OF CRIME ACT OF 1984.—Section  
25 1402(d)(6)(A) of the Victims of Crime Act of 1984

1 (34 U.S.C. 20101(d)(6)(A)) is amended by striking  
2 “Child Pornography Victims Reserve” and inserting  
3 “Reserve for Victims of Child Sexual Abuse Mate-  
4 rial”.

5 (14) VICTIMS OF CHILD ABUSE ACT OF 1990.—  
6 The Victims of Child Abuse Act of 1990 (34 U.S.C.  
7 20301 et seq.) is amended—

8 (A) in section 212(4) (34 U.S.C.  
9 20302(4)), by striking “child pornography” and  
10 inserting “child sexual abuse material”;

11 (B) in section 214(b) (34 U.S.C.  
12 20304(b))—

13 (i) in the subsection heading, by strik-  
14 ing “CHILD PORNOGRAPHY” and inserting  
15 “CHILD SEXUAL ABUSE MATERIAL”; and

16 (ii) by striking “child pornography”  
17 and inserting “child sexual abuse mate-  
18 rial”; and

19 (C) in section 226(c)(6) (34 U.S.C.  
20 20341(c)(6)), by striking “child pornography”  
21 and inserting “child sexual abuse material”.

22 (15) SEX OFFENDER REGISTRATION AND NOTI-  
23 FICATION ACT.—Section 111 of the Sex Offender  
24 Registration and Notification Act (34 U.S.C. 20911)  
25 is amended—

1 (A) in paragraph (3)(B)(iii), by striking  
2 “child pornography” and inserting “child sexual  
3 abuse material”; and

4 (B) in paragraph (7)(G), by striking “child  
5 pornography” and inserting “child sexual abuse  
6 material”.

7 (16) ADAM WALSH CHILD PROTECTION AND  
8 SAFETY ACT OF 2006.—Section 143(b)(3) of the  
9 Adam Walsh Child Protection and Safety Act of  
10 2006 (34 U.S.C. 20942(b)(3)) is amended by strik-  
11 ing “child pornography and enticement cases” and  
12 inserting “cases involving child sexual abuse mate-  
13 rial and enticement of children”.

14 (17) PROTECT OUR CHILDREN ACT OF 2008.—  
15 The PROTECT Our Children Act of 2008 (34  
16 U.S.C. 21101 et seq.) is amended—

17 (A) in section 101(c) (34 U.S.C.  
18 21111(c))—

19 (i) in paragraph (16)—

20 (I) in the matter preceding sub-  
21 paragraph (A), by striking “child por-  
22 nography trafficking” and inserting  
23 “trafficking in child sexual abuse ma-  
24 terial”;

1 (II) in subparagraph (A), by  
2 striking “child pornography” and in-  
3 sserting “child sexual abuse material”;

4 (III) in subparagraph (B), by  
5 striking “child pornography” and in-  
6 sserting “child sexual abuse material”;

7 (IV) in subparagraph (C), by  
8 striking “child pornography” and in-  
9 sserting “child sexual abuse material”;  
10 and

11 (V) in subparagraph (D), by  
12 striking “child pornography” and in-  
13 sserting “child sexual abuse material”;  
14 and

15 (ii) in paragraph (17)(A), by striking  
16 “child pornography” and inserting “child  
17 sexual abuse material”; and

18 (B) in section 105(e)(1)(C) (34 U.S.C.  
19 21115(e)(1)(C)), by striking “child pornog-  
20 raphy trafficking” and inserting “trafficking in  
21 child sexual abuse material”.

22 (18) SOCIAL SECURITY ACT.—Section  
23 471(a)(20)(A)(i) of the Social Security Act (42  
24 U.S.C. 671(a)(20)(A)(i)) is amended by striking



1 “child pornography” and inserting “offenses involv-  
2 ing child sexual abuse material”.

3 (19) PRIVACY PROTECTION ACT OF 1980.—Sec-  
4 tion 101 of the Privacy Protection Act of 1980 (42  
5 U.S.C. 2000aa) is amended—

6 (A) in subsection (a)(1), by striking “child  
7 pornography” and inserting “child sexual abuse  
8 material”; and

9 (B) in subsection (b)(1), by striking “child  
10 pornography” and inserting “child sexual abuse  
11 material”.

12 (20) CHILD CARE AND DEVELOPMENT BLOCK  
13 GRANT ACT OF 1990.—Section 658H(c)(1) of the  
14 Child Care and Development Block Grant Act of  
15 1990 (42 U.S.C. 9858f(c)(1)) is amended—

16 (A) in subparagraph (D)(iii), by striking  
17 “child pornography” and inserting “offenses re-  
18 lating to child sexual abuse material”; and

19 (B) in subparagraph (E), by striking  
20 “child pornography” and inserting “child sexual  
21 abuse material”.

22 (21) COMMUNICATIONS ACT OF 1934.—Title II  
23 of the Communications Act of 1934 (47 U.S.C. 201  
24 et seq.) is amended—

25 (A) in section 223 (47 U.S.C. 223)—

1 (i) in subsection (a)(1)—

2 (I) in subparagraph (A), in the  
3 undesignated matter following clause  
4 (ii), by striking “child pornography”  
5 and inserting “which constitutes child  
6 sexual abuse material”; and

7 (II) in subparagraph (B), in the  
8 undesignated matter following clause  
9 (ii), by striking “child pornography”  
10 and inserting “which constitutes child  
11 sexual abuse material”; and

12 (ii) in subsection (d)(1), in the undes-  
13 ignated matter following subparagraph  
14 (B), by striking “child pornography” and  
15 inserting “that constitutes child sexual  
16 abuse material”; and

17 (B) in section 254(h) (47 U.S.C.  
18 254(h))—

19 (i) in paragraph (5)—

20 (I) in subparagraph (B)(i)(II), by  
21 striking “child pornography” and in-  
22 sserting “child sexual abuse material”;  
23 and

24 (II) in subparagraph (C)(i)(II),  
25 by striking “child pornography” and

1 inserting “child sexual abuse mate-  
2 rial”;

3 (ii) in paragraph (6)—

4 (I) in subparagraph (B)(i)(II), by  
5 striking “child pornography” and in-  
6 serting “child sexual abuse material”;  
7 and

8 (II) in subparagraph (C)(i)(II),  
9 by striking “child pornography” and  
10 inserting “child sexual abuse mate-  
11 rial”; and

12 (iii) in paragraph (7)(F)—

13 (I) in the subparagraph heading,  
14 by striking “CHILD PORNOGRAPHY”  
15 and inserting “CHILD SEXUAL ABUSE  
16 MATERIAL”; and

17 (II) by striking “child pornog-  
18 raphy” and inserting “child sexual  
19 abuse material”.

20 (c) TABLE OF SECTIONS AMENDMENTS.—

21 (1) CHAPTER 110 OF TITLE 18.—The table of  
22 sections for chapter 110 of title 18, United States  
23 Code, is amended—

24 (A) by striking the item relating to section  
25 2252A and inserting the following:

“2252A. Certain activities relating to child sexual abuse material.”;

1 (B) by striking the item relating to section  
2 2258C and inserting the following:

“2258C. Use of technical elements from reports made to the CyberTipline to combat child sexual abuse material.”;

3 (C) by striking the item relating to section  
4 2259A and inserting the following:

“2259A. Assessments in cases involving child sexual abuse material.”;

5 and

6 (D) by striking the item relating to section  
7 2259B and inserting the following:

“2259B. Reserve for victims of child sexual abuse material.”.

8 (2) CHAPTER 117 OF TITLE 18.—The table of  
9 sections for chapter 117 of title 18, United States  
10 Code, is amended by striking the item relating to  
11 section 2427 and inserting the following:

“2427. Inclusion of offenses relating to child sexual abuse material in definition of sexual activity for which any person can be charged with a criminal offense.”.

12 (d) AMENDMENT TO THE FEDERAL SENTENCING  
13 GUIDELINES.—Pursuant to its authority under section  
14 994(p) of title 28, United States Code, and in accordance  
15 with this section, the United States Sentencing Commis-  
16 sion shall amend the Federal sentencing guidelines, in-  
17 cluding application notes, to replace the terms “child por-  
18 nography” and “child pornographic material” with “child  
19 sexual abuse material”.

20 (e) EFFECTIVE DATE.—The amendments made by  
21 this section to title 18 of the United States Code shall

1 apply to conduct that occurred before, on, or after the date  
2 of enactment of this Act.

3 **SEC. 7. MODERNIZING THE CYBERTIPLINE.**

4 (a) IN GENERAL.—Chapter 110 of title 18, United  
5 States Code, is amended—

6 (1) in section 2258A, as amended by section  
7 6(b) of this Act—

8 (A) in subsection (a)—

9 (i) in paragraph (1)(B)(ii), by insert-  
10 ing after “facts or circumstances” the fol-  
11 lowing: “, including any available facts or  
12 circumstances sufficient to identify and lo-  
13 cate each minor and each involved indi-  
14 vidual,”; and

15 (ii) in paragraph (2)(A)—

16 (I) by inserting “1591 (if the vio-  
17 lation involves a minor),” before  
18 “2251,”; and

19 (II) by striking “or 2260” and  
20 inserting “2260, or 2422(b)”;

21 (B) in subsection (b)—

22 (i) in paragraph (1)—

23 (I) by inserting “or location”  
24 after “identity”; and

1 (II) by striking “other identifying  
2 information,” and inserting “other in-  
3 formation which may identify or lo-  
4 cate the involved individual,”;

5 (ii) by redesignating paragraphs (2)  
6 through (5) as paragraphs (3) through (6),  
7 respectively;

8 (iii) by inserting after paragraph (1)  
9 the following:

10 “(2) INFORMATION ABOUT THE INVOLVED  
11 MINOR.—Information relating to the identity or loca-  
12 tion of any involved minor, which may, to the extent  
13 reasonably practicable, include the electronic mail  
14 address, Internet Protocol address, uniform resource  
15 locator, or any other information which may identify  
16 or locate any involved minor, including self-reported  
17 identifying information.”; and

18 (iv) by adding at the end the fol-  
19 lowing:

20 “(7) FORMATTING OF REPORTS.—When in its  
21 discretion a provider voluntarily includes any content  
22 described in this subsection in a report to the  
23 CyberTipline, the provider shall use best efforts to  
24 ensure that the report conforms with the structure  
25 of the CyberTipline.”; and

1 (C) in subsection (d)(5)(B)—

2 (i) in clause (i), by striking “for-  
3 warded” and inserting “made available”;  
4 and

5 (ii) in clause (ii), by striking “for-  
6 warded” and inserting “made available”;

7 (2) in section 2258B—

8 (A) in subsection (a)—

9 (i) by striking “arising from the per-  
10 formance” and inserting the following: “,  
11 may not be brought in any Federal or  
12 State court if the claim or charge is di-  
13 rectly attributable to—

14 “(1) the performance”;

15 (ii) in paragraph (1), as so des-  
16 ignated, by striking “may not be brought  
17 in any Federal or State court.” and insert-  
18 ing a semicolon; and

19 (iii) by adding at the end the fol-  
20 lowing:

21 “(2) transmitting, distributing, or mailing child  
22 sexual abuse material to any Federal, State, or local  
23 law enforcement agency, or giving such agency ac-  
24 cess to child sexual abuse material, in response to a

1 search warrant, court order, or other legal process  
2 issued by such agency; or

3 “(3) research voluntarily undertaken by the  
4 provider or domain name registrar using any mate-  
5 rial being preserved under section 2258A(h), if the  
6 research is only for the purpose of—

7 “(A) improving or facilitating reporting  
8 under this section, section 2258A, or section  
9 2258C; or

10 “(B) stopping the online sexual exploi-  
11 tation of children.”; and

12 (B) in subsection (b)(2)(C)—

13 (i) by striking “the performance of”;

14 (ii) by inserting “described in or per-  
15 formed” after “function”; and

16 (iii) by striking “this section, sec-  
17 tions” and inserting “this section or sec-  
18 tion”; and

19 (3) in section 2258C, as amended by section  
20 6(b) of this Act—

21 (A) in the section heading, by striking  
22 “**the CyberTipline**” and inserting  
23 “**NCMEC**”;

24 (B) in subsection (a)—

25 (i) in paragraph (1)—



1 (I) by striking “NCMEC” and  
2 inserting the following:

3 “(A) PROVISION TO PROVIDERS.—  
4 NCMEC”;

5 (II) in subparagraph (A), as so  
6 designated, by inserting “or submis-  
7 sion to the child victim identification  
8 program described in section  
9 404(b)(1)(K)(ii) of the Juvenile Jus-  
10 tice and Delinquency Prevention Act  
11 of 1974 (34 U.S.C.  
12 11293(b)(1)(K)(ii))” after  
13 “CyberTipline report”; and

14 (III) by adding at the end the  
15 following:

16 “(B) PROVISION TO NON-PROFIT ENTI-  
17 TIES.—NCMEC may provide hash values or  
18 similar technical identifiers associated with vis-  
19 ual depictions provided in a CyberTipline report  
20 or submission to the child victim identification  
21 program described in section 404(b)(1)(K)(ii)  
22 of the Juvenile Justice and Delinquency Pre-  
23 vention Act of 1974 (34 U.S.C.  
24 11293(b)(1)(K)(ii)) to a non-profit entity for  
25 the sole and exclusive purpose of preventing

1 and curtailing the online sexual exploitation of  
2 children.”; and

3 (ii) in paragraph (2)—

4 (I) by inserting “(A)” after  
5 “(1)”;

6 (II) by inserting “or submission  
7 to the child victim identification pro-  
8 gram described in section  
9 404(b)(1)(K)(ii) of the Juvenile Jus-  
10 tice and Delinquency Prevention Act  
11 of 1974 (34 U.S.C.  
12 11293(b)(1)(K)(ii))” after  
13 “CyberTipline report”; and

14 (III) by adding at the end the  
15 following: “The elements authorized  
16 under paragraph (1)(B) shall be lim-  
17 ited to hash values or similar tech-  
18 nical identifiers associated with visual  
19 depictions provided in a CyberTipline  
20 report or submission to the child vic-  
21 tim identification program described  
22 in section 404(b)(1)(K)(ii) of the Ju-  
23 venile Justice and Delinquency Pre-  
24 vention Act of 1974 (34 U.S.C.  
25 11293(b)(1)(K)(ii)).”; and

1 (C) in subsection (d), by inserting “or to  
 2 the child victim identification program de-  
 3 scribed in section 404(b)(1)(K)(ii) of the Juve-  
 4 nile Justice and Delinquency Prevention Act of  
 5 1974 (34 U.S.C. 11293(b)(1)(K)(ii))” after  
 6 “CyberTipline”.

7 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 8 The table of sections for chapter 110 of title 18, United  
 9 States Code, is amended by striking the item relating to  
 10 section 2258C (as amended by section 6(c)(1)(B) of this  
 11 Act) and inserting the following:

“2258C. Use of technical elements from reports made to NCMEC to combat  
 child sexual abuse material.”.

12 **SEC. 8. ELIMINATING NETWORK DISTRIBUTION OF CHILD**  
 13 **EXPLOITATION.**

14 Section 2258A(h) of title 18, United States Code, is  
 15 amended—

16 (1) in paragraph (1), by striking “90 days” and  
 17 inserting “1 year”; and

18 (2) by adding at the end the following:

19 “(5) EXTENSION OF PRESERVATION.—A pro-  
 20 vider of a report to the CyberTipline may voluntarily  
 21 preserve the contents provided in the report (includ-  
 22 ing any comingled content described in paragraph  
 23 (2)) for longer than 1 year after the submission to  
 24 the CyberTipline for the purpose of reducing the

1 proliferation of online child sexual exploitation or  
2 preventing the online sexual exploitation of chil-  
3 dren.”.

4 **SEC. 9. IT SOLUTIONS RELATING TO COMBATING ONLINE**  
5 **CHILD EXPLOITATION.**

6 Title IV of the Juvenile Justice and Delinquency Pre-  
7 vention Act of 1974 (34 U.S.C. 11291 et seq.) is amend-  
8 ed—

9 (1) by redesignating section 409 (34 U.S.C.  
10 11297) as section 410; and

11 (2) by inserting after section 408 (34 U.S.C.  
12 11296) the following:

13 **“SEC. 409. IT SOLUTIONS RELATING TO COMBATING ON-**  
14 **LINE CHILD EXPLOITATION.**

15 “(a) DEVELOPMENT OF IT SOLUTIONS.—The Ad-  
16 ministrator shall enable the development of information  
17 technology solutions and the creation and acquisition of  
18 innovative tools to implement updates, improvements, and  
19 modernization needed to enhance efforts to combat online  
20 child exploitation in order to ensure that consistent, ac-  
21 tionable information is provided to law enforcement agen-  
22 cies, including Internet Crimes Against Children (com-  
23 monly known as ‘ICAC’) task forces.

24 “(b) CONSULTATION WITH PARTNERS.—In devel-  
25 oping the information technology solutions under sub-

1 section (a), the Administrator shall solicit input from all  
2 partners in the effort to combat online child exploitation,  
3 including the Center, ICAC task forces, the Federal Bu-  
4 reau of Investigation, the Department of Homeland Secu-  
5 rity, U.S. Immigration and Customs Enforcement, Home-  
6 land Security Investigations, and the United States Mar-  
7 shals Service.

8 “(c) FUNDING.—Each fiscal year, the Administrator  
9 shall carry out this section using not less than \$1,000,000  
10 of the amounts made available to carry out this title for  
11 that fiscal year.”.

12 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated such sums  
14 as may be necessary to carry out this Act.

15 **SEC. 11. SEVERABILITY.**

16 If any provision of this Act or any amendment made  
17 by this Act, or any application of such provision or amend-  
18 ment to any person or circumstance, is held to be uncon-  
19 stitutional, the remainder of the provisions of this Act and  
20 the amendments made by this Act, and the application of  
21 the provision or amendment to any other person or cir-  
22 cumstance, shall not be affected.

**Calendar No. 70**

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1207**

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**A BILL**

To establish a National Commission on Online  
Child Sexual Exploitation Prevention, and for  
other purposes.

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MAY 15, 2023

Reported with amendments