

118TH CONGRESS  
2D SESSION

# S. 5060

To reauthorize the PROTECT Our Children Act of 2008, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2024

Mr. CORNYN (for himself, Mr. BLUMENTHAL, Mrs. BLACKBURN, Mr. DURBIN, Mr. HAWLEY, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To reauthorize the PROTECT Our Children Act of 2008, 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 “PROTECT Our Chil-  
5 dren Reauthorization Act of 2024”.

6 **SEC. 2. REAUTHORIZATION.**

7 (a) ESTABLISHMENT OF NATIONAL STRATEGY FOR  
8 CHILD EXPLOITATION PREVENTION AND INTERDIC-  
9 TION.—Section 101 of the PROTECT Our Children Act  
10 of 2008 (34 U.S.C. 21111) is amended—

1 (1) in subsection (b), by striking “every second  
2 year” and inserting “every fourth year”; and

3 (2) by striking subsection (c) and inserting the  
4 following:

5 “(c) REQUIRED CONTENTS OF NATIONAL STRAT-  
6 EGY.—The National Strategy established under subsection  
7 (a) shall include the following:

8 “(1) An analysis of current trends, challenges,  
9 and the overall magnitude of the threat of child ex-  
10 ploitation.

11 “(2) An analysis of future trends and chal-  
12 lenges, including new technologies, that will impact  
13 the efforts to combat child exploitation.

14 “(3) Goals and strategic solutions to prevent  
15 and interdict child exploitation, including—

16 “(A) plans for interagency coordination;

17 “(B) engagement with the judicial  
18 branches of the Federal Government and State  
19 governments;

20 “(C) legislative recommendations for com-  
21 bating child exploitation;

22 “(D) cooperation with international, State,  
23 local, and Tribal law enforcement agencies; and

1           “(E) engagement with the private sector  
2           and other entities involved in efforts to combat  
3           child exploitation.

4           “(4) An analysis of Federal efforts dedicated to  
5           combating child exploitation, including—

6                   “(A) a review of the policies and work of  
7                   the Department of Justice and other Federal  
8                   programs relating to the prevention and inter-  
9                   diction of child exploitation crimes, including  
10                  training programs, and investigative and pros-  
11                  ecution activity; and

12                  “(B) a description of the efforts of the De-  
13                  partment of Justice to cooperate and coordinate  
14                  with, and provide technical assistance and sup-  
15                  port to, international, State, local, and Tribal  
16                  law enforcement agencies and private sector  
17                  and nonprofit entities with respect to child ex-  
18                  ploitation prevention and interdiction efforts.

19           “(5) An estimate of the resources required to  
20           effectively respond to child exploitation crimes at  
21           scale by—

22                   “(A) each ICAC task force;

23                   “(B) the Federal Bureau of Investigation,  
24                  including investigators, forensic interviewers,

1 and analysts of victims, witnesses, and  
2 forensics;

3 “(C) Homeland Security Investigations, in-  
4 cluding forensic interviewers and analysts of  
5 victims, witnesses, and forensics;

6 “(D) the United States Marshals Service;

7 “(E) the United States Secret Service;

8 “(F) the United States Postal Service;

9 “(G) the criminal investigative offices of  
10 the Department of Defense; and

11 “(H) any component of an agency de-  
12 scribed in this paragraph;

13 “(6) A review of the Internet Crimes Against  
14 Children Task Force Program, including—

15 “(A) the number of ICAC task forces and  
16 the location of each ICAC task force;

17 “(B) the number of trained personnel at  
18 each ICAC task force;

19 “(C) the amount of Federal grants award-  
20 ed to each ICAC task force; and

21 “(D) an assessment of the Federal, State,  
22 and local cooperation with respect to each ICAC  
23 task force, including—

24 “(i) the number of arrests made by  
25 each ICAC task force;

1           “(ii) the number of criminal referrals  
2           to United States attorneys for prosecution;

3           “(iii) the number of prosecutions and  
4           convictions from the referrals described in  
5           clause (ii);

6           “(iv) the number, if available, of local  
7           prosecutions and convictions based on  
8           ICAC task force investigations; and

9           “(v) any other information determined  
10          by the Attorney General demonstrating the  
11          level of Federal, State, Tribal, and local  
12          coordination and cooperation.

13          “(7) An assessment of training needs for each  
14          ICAC task force and affiliated agencies.

15          “(8) An assessment of Federal investigative and  
16          prosecution activity relating to reported incidents of  
17          child exploitation crimes that include a number of  
18          factors, including—

19                 “(A) the number of investigations, arrests,  
20                 prosecutions and convictions for a crime of  
21                 child exploitation; and

22                 “(B) the average sentence imposed and the  
23                 statutory maximum sentence that could be im-  
24                 posed for each crime of child exploitation.

1           “(9) A review of all available statistical data in-  
2           dicating the overall magnitude of child pornography  
3           trafficking in the United States and internationally,  
4           including—

5                   “(A) the number of foreign and domestic  
6                   suspects observed engaging in accessing and  
7                   sharing child pornography;

8                   “(B) the number of tips or other statistical  
9                   data from the CyberTipline of the National  
10                  Center for Missing and Exploited Children and  
11                  other data indicating the magnitude of child  
12                  pornography trafficking; and

13                  “(C) any other statistical data indicating  
14                  the type, nature, and extent of child exploi-  
15                  tation crime in the United States and abroad.”.

16           (b) ESTABLISHMENT OF NATIONAL ICAC TASK

17 FORCE PROGRAM.—Section 102 of the PROTECT Our  
18 Children Act of 2008 (34 U.S.C. 21112) is amended—

19           (1) in subsection (a)(1)—

20                   (A) by inserting “, Tribal, military,” after  
21                   “State”; and

22                   (B) by striking “and child obscenity and  
23                   pornography cases” and inserting “child ob-  
24                   scenity and pornography cases, and the identi-  
25                   fication of child victims”;

1 (2) in subsection (b)—

2 (A) in paragraph (2), by striking “consult  
3 with and consider” and all that follows through  
4 “track record of success.” and inserting “,  
5 evaluate the task forces funded under the ICAC  
6 Task Force Program to determine if those task  
7 forces are operating in an effective manner.”;

8 (B) in paragraph (3)(B)—

9 (i) by striking “establish a new task  
10 force” and inserting “establish a new or  
11 continue an existing task force”; and

12 (ii) by striking “state” and inserting  
13 “State”; and

14 (C) in paragraph (4)—

15 (i) in subparagraph (A), by striking  
16 “may” and inserting “shall”;

17 (ii) by striking subparagraph (B); and

18 (iii) by redesignating subparagraph  
19 (C) as subparagraph (B); and

20 (3) by adding at the end the following:

21 “(c) LIMITED LIABILITY FOR ICAC TASK FORCES.—

22 “(1) IN GENERAL.—Except as provided in para-  
23 graph (2), a civil claim or criminal charge against an  
24 ICAC task force established pursuant to this section  
25 and sections 103 and 104, including any law en-

1 enforcement agency that participates on such a task  
2 force or a director, officer, employee, or agent of  
3 such a law enforcement agency, arising from the  
4 prioritization decisions with respect to leads related  
5 to Internet crimes against children described in sec-  
6 tion 104(8), may not be brought in any Federal or  
7 State court.

8 “(2) INTENTIONAL, RECKLESS, OR OTHER MIS-  
9 CONDUCT.—Paragraph (1) shall not apply to a claim  
10 if the ICAC task force or law enforcement agency,  
11 or a director, officer, employee, or agent of that law  
12 enforcement agency—

13 “(A) engaged in intentional misconduct; or

14 “(B) acted, or failed to act—

15 “(i) with actual malice;

16 “(ii) with reckless disregard to a sub-  
17 stantial risk of causing physical injury  
18 without legal justification; or

19 “(iii) for a purpose unrelated to the  
20 performance of any responsibility or func-  
21 tion under section 104(8).”.

22 (c) PURPOSE OF ICAC TASK FORCES.—Section 103  
23 of the PROTECT Our Children Act of 2008 (34 U.S.C.  
24 21113) is amended—



1           (1) in paragraph (1), by inserting “, and the  
2           identification of child victims of those crimes” before  
3           the semicolon at the end;

4           (2) in paragraph (2), by inserting “and  
5           prioritizing investigations that task force personnel,  
6           through the background, training and experience of  
7           those personnel and the consideration of all relevant  
8           circumstances, determine to be most likely to result  
9           in positive case outcomes and in the rescue of chil-  
10          dren” before the semicolon at the end;

11          (3) in paragraph (3)—

12           (A) by striking “and local law enforce-  
13           ment” and inserting “Tribal, military, and local  
14           law enforcement”; and

15           (B) by inserting “, including probation and  
16           parole agencies, child advocacy centers, and  
17           child protective services,” after “enforcement  
18           agencies”;

19          (4) in paragraph (8), by striking “and” at the  
20          end;

21          (5) in paragraph (9), by striking the period at  
22          the end and inserting “; and”; and

23          (6) by adding at the end the following:

24          “(10) educating the judiciary on—

1           “(A) the link between intrafamilial contact  
2 offenses and technology-facilitated crimes; and

3           “(B) characteristics of internet offenders,  
4 including the interest of online offenders in in-  
5 cest-themed material, sadism, and other related  
6 paraphilias or illegal activity.”.

7       (d) DUTIES AND FUNCTIONS OF TASK FORCES.—  
8 Section 104 of the PROTECT Our Children Act of 2008  
9 (34 U.S.C. 21114) is amended—

10           (1) in paragraph (3)—

11               (A) by inserting “conduct digital” before  
12 “forensic examinations”; and

13               (B) by inserting “engage in” before “effec-  
14 tive prosecutions”;

15           (2) by striking paragraph (8) and inserting the  
16 following:

17               “(8) investigate, seek prosecution with respect  
18 to, and identify child victims from leads relating to  
19 Internet crimes against children, including  
20 CyberTipline reports, with prioritization determined  
21 according to circumstances and by each task force,  
22 as described in section 102(3);”;

23           (3) by striking paragraph (9); and

24           (4) by redesignating paragraphs (10) and (11)  
25 as paragraphs (9) and (10), respectively.

1 (e) NATIONAL INTERNET CRIMES AGAINST CHIL-  
2 DREN DATA SYSTEM.—Section 105 of the PROTECT  
3 Our Children Act of 2008 (34 U.S.C. 21115) is amend-  
4 ed—

5 (1) in subsection (a), by striking “shall estab-  
6 lish” and inserting “may establish”;

7 (2) in subsection (b) by striking “continue and  
8 build upon Operation Fairplay developed by the Wy-  
9 oming Attorney General’s office, which has estab-  
10 lished a secure, dynamic undercover infrastructure  
11 that has facilitated” and inserting “facilitate”; and

12 (3) in subsection (g)—

13 (A) by striking paragraph (3);

14 (B) by redesignating paragraphs (4)  
15 through (8) as paragraphs (3) through (7), re-  
16 spectively; and

17 (C) in paragraph (7), as so redesignated,  
18 by striking “1 representative” and inserting “2  
19 representatives”.

20 (f) ICAC GRANT PROGRAM.—Section 106 of the  
21 PROTECT Our Children Act of 2008 (34 U.S.C. 21116)  
22 is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (2)(B)(ii)(II), by striking  
25 “Operation Fairplay,”; and

1 (B) in paragraph (3)—

2 (i) by striking subparagraph (A) and  
3 inserting the following:

4 “(A) Not less than 20 percent of the total  
5 funds appropriated to carry out this section  
6 shall be distributed to support the ICAC Task  
7 Force Program through grants to—

8 “(i) provide training and technical as-  
9 sistance to members of the ICAC Task  
10 Force Program;

11 “(ii) maintain, enhance, research, and  
12 develop tools and technology to assist  
13 members of the ICAC Task Force Pro-  
14 gram;

15 “(iii) provide other support to the  
16 ICAC Task Force Program determined by  
17 the Attorney General;

18 “(iv) conduct research;

19 “(v) support the annual National Law  
20 Enforcement Training on Child Exploi-  
21 tation of the Office of Juvenile Justice and  
22 Delinquency Prevention; and

23 “(vi) provide wellness training.”; and

24 (2) in subsection (d)(1)—

25 (A) in subparagraph (B)—

1 (i) in clause (ii), by striking “and” at  
2 the end;

3 (ii) in clause (iii), by striking “, in-  
4 cluding” and all that follows through  
5 “such crime under State law.” and insert-  
6 ing “; and”; and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(iv) the number of child victims iden-  
10 tified.”;

11 (B) by striking subparagraph (D); and

12 (C) by redesignating subparagraphs (E)  
13 through (G) as subparagraphs (D) through (F),  
14 respectively.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
16 107(a) of the PROTECT Our Children Act of 2008 (34  
17 U.S.C. 21117(a)) is amended—

18 (1) in paragraph (9), by striking “and” at the  
19 end;

20 (2) in paragraph (10), by striking the period at  
21 the end and inserting a semicolon; and

22 (3) by adding at the end the following:

23 “(11) \$70,000,000 for fiscal year 2025;

24 “(12) \$80,000,000 for fiscal year 2026; and

25 “(13) \$90,000,000 for fiscal year 2027.”.

1           (h) ADDITIONAL REGIONAL COMPUTER FORENSIC  
2 LABS.—The PROTECT Our Children Act of 2008 (34  
3 U.S.C. 21101 et seq.) is amended by striking title II.

4           (i) REPORTING REQUIREMENTS OF PROVIDERS.—  
5 Section 2258A(c) of title 18, United States Code, is  
6 amended, in the matter preceding paragraph (1), by in-  
7 serting “and all supplemental data included in the report”  
8 after “each report made under subsection (a)(1)”.

○