

117TH CONGRESS  
2D SESSION

# S. 3538

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

JANUARY 31, 2022

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

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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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Eliminating Abusive  
5 and Rampant Neglect of Interactive Technologies Act of  
6 2022” or the “EARN IT Act of 2022”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1           (1) COMMISSION.—The term “Commission”  
2 means the National Commission on Online Child  
3 Sexual Exploitation Prevention.

4           (2) INTERACTIVE COMPUTER SERVICE.—The  
5 term “interactive computer service” has the meaning  
6 given the term in section 230(f)(2) of the Commu-  
7 nications Act of 1934 (47 U.S.C. 230(f)(2)).

8 **SEC. 3. NATIONAL COMMISSION ON ONLINE CHILD SEXUAL**  
9 **EXPLOITATION PREVENTION.**

10          (a) ESTABLISHMENT.—There is established a Na-  
11 tional Commission on Online Child Sexual Exploitation  
12 Prevention.

13          (b) PURPOSE.—The purpose of the Commission is to  
14 develop recommended best practices that providers of  
15 interactive computer services may choose to implement to  
16 prevent, reduce, and respond to the online sexual exploi-  
17 tation of children, including the enticement, grooming, sex  
18 trafficking, and sexual abuse of children and the prolifera-  
19 tion of online child sexual abuse material.

20          (c) MEMBERSHIP.—

21               (1) COMPOSITION.—

22                   (A) IN GENERAL.—The Commission shall  
23 be composed of 19 members.

1 (B) AGENCY HEADS.—The following Fed-  
2 eral officials shall serve as members of the  
3 Commission:

4 (i) The Attorney General or his or her  
5 representative.

6 (ii) The Secretary of Homeland Secu-  
7 rity or his or her representative.

8 (iii) The Chairman of the Federal  
9 Trade Commission or his or her represent-  
10 ative.

11 (C) OTHER MEMBERS.—Of the remaining  
12 16 members of the Commission—

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

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

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

21 (III) 1 shall have the qualifica-  
22 tions required under clause (i) or (ii)  
23 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 (ii) 4 shall be appointed by the minor-  
5 ity leader of the Senate, of whom—

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

9 (II) 1 shall have the qualifica-  
10 tions required under paragraph  
11 (2)(B);

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

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

18 (iii) 4 shall be appointed by the  
19 Speaker of the House of Representatives,  
20 of whom—

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

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

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

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

10 (iv) 4 shall be appointed by the minor-  
11 ity leader of the House of Representatives,  
12 of whom—

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

16 (II) 1 shall have the qualifica-  
17 tions required under paragraph  
18 (2)(B);

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

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

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

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

7           (i) 2 shall have such experience in a  
8 law enforcement capacity; and

9           (ii) 2 shall have such experience in a  
10 prosecutorial capacity;

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

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

19          (ii) 2 shall have current experience in com-  
20 puter science or software engineering related to  
21 matters of cryptography, data security, or arti-  
22 ficial intelligence in a non-governmental capac-  
23 ity; and

24          (D) 4 shall be individuals who each cur-  
25 rently work for an interactive computer service

1 that is unrelated to each other interactive com-  
2 puter service represented under this subpara-  
3 graph, representing diverse types of businesses  
4 and areas of professional expertise, of whom—

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

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

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

21 (d) PERIOD OF APPOINTMENT; VACANCIES.—

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

25 (2) VACANCIES.—

1           (A) EFFECT ON COMMISSION.—Any va-  
2           cancy in the Commission shall not affect the  
3           powers of the Commission.

4           (B) FILLING OF VACANCIES.—A vacancy  
5           in the Commission shall be filled in the same  
6           manner as the original appointment under sub-  
7           section (c)(1).

8           (e) INITIAL MEETING.—The Commission shall hold  
9           the first meeting of the Commission not later than 60 days  
10          after the date on which a majority of the members of the  
11          Commission have been appointed.

12          (f) CHAIRPERSON.—The Attorney General or his or  
13          her representative shall serve as the Chairperson of the  
14          Commission.

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

18          (h) MEETINGS.—The Commission shall meet at the  
19          call of the Chairperson.

20          (i) AUTHORITY OF COMMISSION.—The Commission  
21          may, for the purpose of carrying out this section and sec-  
22          tion 4, hold such hearings, sit and act at such times and  
23          places, take such testimony, and receive such evidence as  
24          the Commission considers appropriate.

25          (j) INFORMATION FROM FEDERAL AGENCIES.—



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

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

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

20          (l) DURATION.—Section 14 of the Federal Advisory  
21 Committee Act (5 U.S.C. App.) shall not apply to the  
22 Commission.

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

24          (a) RECOMMENDED BEST PRACTICES.—

25           (1) INITIAL RECOMMENDATIONS.—

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

14           (B) REQUIREMENTS.—

15           (i) ALTERNATIVE BEST PRACTICES.—

16           The best practices required to be developed  
17 and submitted under subparagraph (A)  
18 shall include alternatives that take into  
19 consideration—

20           (I) the size, type of product, and  
21 business model of a provider of an  
22 interactive computer service;

23           (II) whether an interactive com-  
24 puter service—

1 (aa) is made available to the  
2 public;

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

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

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

21 (ii) SCOPE.—Notwithstanding para-  
22 graph (3), the alternatives described in  
23 clause (i) of this subparagraph may ex-  
24 clude certain matters required to be ad-  
25 dressed under paragraph (3), as the Com-

1 mission determines appropriate based on  
2 the nature of particular products or serv-  
3 ices, the factors described in such clause  
4 (i), or other factors relevant to the pur-  
5 poses of this Act.

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

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

14 (A) preventing, identifying, disrupting, and  
15 reporting online child sexual exploitation;

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

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

23 (D) receiving and triaging reports of online  
24 child sexual exploitation by users of interactive  
25 computer services, including self-reporting;

1 (E) implementing a standard rating and  
2 categorization system to identify the type and  
3 severity of child sexual abuse material;

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

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

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

19 (I) employing age rating and age gating  
20 systems to reduce online child sexual exploi-  
21 tation;

22 (J) offering parental control products that  
23 enable customers to limit the types of websites,  
24 social media platforms, and internet content  
25 that are accessible to children; and

1           (K) contractual and operational practices  
2           to ensure third parties, contractors, and affili-  
3           ates comply with the best practices.

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

7           (A) the cost and technical limitations of  
8           implementing the best practices;

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

11          (C) the impact on the ability of law en-  
12          forcement agencies to investigate and prosecute  
13          child sexual exploitation and rescue victims; and

14          (D) the current state of technology.

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

19          (b) PUBLICATION OF BEST PRACTICES.—Not later  
20          than 30 days after the date on which the Commission sub-  
21          mits recommended best practices under subsection (a), in-  
22          cluding updated recommended best practices under para-  
23          graph (5) of that subsection, the Attorney General shall  
24          publish the recommended best practices on the website of  
25          the Department of Justice and in the Federal Register.

1 **SEC. 5. PROTECTING VICTIMS OF ONLINE CHILD SEXUAL**  
2 **ABUSE.**

3 Section 230(e) of the Communications Act of 1934  
4 (47 U.S.C. 230(e)) is amended by adding at the end the  
5 following:

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

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

16 “(B) any charge in a criminal prosecution  
17 brought against a provider of an interactive  
18 computer service under State law regarding the  
19 advertisement, promotion, presentation, dis-  
20 tribution, or solicitation of child sexual abuse  
21 material, as defined in section 2256(8) of title  
22 18, United States Code; or

23 “(C) any claim in a civil action brought  
24 against a provider of an interactive computer  
25 service under State law regarding the advertise-  
26 ment, promotion, presentation, distribution, or

1 solicitation of child sexual abuse material, as  
2 defined in section 2256(8) of title 18, United  
3 States Code.

4 “(7) ENCRYPTION TECHNOLOGIES.—

5 “(A) IN GENERAL.—Notwithstanding para-  
6 graph (6), none of the following actions or cir-  
7 cumstances shall serve as an independent basis  
8 for liability of a provider of an interactive com-  
9 puter service for a claim or charge described in  
10 that paragraph:

11 “(i) The provider utilizes full end-to-  
12 end encrypted messaging services, device  
13 encryption, or other encryption services.

14 “(ii) The provider does not possess  
15 the information necessary to decrypt a  
16 communication.

17 “(iii) The provider fails to take an ac-  
18 tion that would otherwise undermine the  
19 ability of the provider to offer full end-to-  
20 end encrypted messaging services, device  
21 encryption, or other encryption services.

22 “(B) CONSIDERATION OF EVIDENCE.—  
23 Nothing in subparagraph (A) shall be construed  
24 to prohibit a court from considering evidence of  
25 actions or circumstances described in that sub-



1 paragraph if the evidence is otherwise admis-  
2 sible.”.

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

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

9 (b) AMENDMENTS.—

10 (1) TITLE 5, UNITED STATES CODE.—Chapter  
11 65 of title 5, United States Code, is amended—

12 (A) in section 6502(a)(2)(B), by striking  
13 “child pornography” and inserting “child sexual  
14 abuse material”; and

15 (B) in section 6504(c)(2)(F), by striking  
16 “child pornography” and inserting “child sexual  
17 abuse material”.

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

21 (A) in section 307(b)(3)(D) (6 U.S.C.  
22 187(b)(3)(D)), by striking “child pornography”  
23 and inserting “child sexual abuse material”;  
24 and

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

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

4 (ii) in subsection (e)(3)(B)(ii), by  
5 striking “child pornography” and inserting  
6 “child sexual abuse material”.

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

12 (4) SMALL BUSINESS JOBS ACT OF 2010.—Sec-  
13 tion 3011(c) of the Small Business Jobs Act of 2010  
14 (12 U.S.C. 5710(c)) is amended by striking “child  
15 pornography” and inserting “child sexual abuse ma-  
16 terial”.

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

22 (6) CAN-SPAM ACT OF 2003.—Section  
23 4(b)(2)(B) of the CAN-SPAM Act of 2003 (15  
24 U.S.C. 7703(b)(2)(B)) is amended by striking “child

1 pornography” and inserting “child sexual abuse ma-  
2 terial”.

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

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

9 (B) in chapter 110—

10 (i) in section 2251(e), by striking  
11 “child pornography” and inserting “child  
12 sexual abuse material”;

13 (ii) in section 2252(b)—

14 (I) in paragraph (1), by striking  
15 “child pornography” and inserting  
16 “child sexual abuse material”; and

17 (II) in paragraph (2), by striking  
18 “child pornography” and inserting  
19 “child sexual abuse material”;

20 (iii) in section 2252A—

21 (I) in the section heading, by  
22 striking “**material constituting**  
23 **or containing child pornog-**  
24 **raphy**” and inserting “**child sex-**  
25 **ual abuse material**”;

- 1 (II) in subsection (a)—
- 2 (aa) in paragraph (1), by
- 3 striking “child pornography” and
- 4 inserting “child sexual abuse ma-
- 5 terial”;
- 6 (bb) in paragraph (2)—
- 7 (AA) in subparagraph
- 8 (A), by striking “child por-
- 9 nography” and inserting
- 10 “child sexual abuse mate-
- 11 rial”; and
- 12 (BB) in subparagraph
- 13 (B), by striking “material
- 14 that contains child pornog-
- 15 raphy” and inserting “child
- 16 sexual abuse material”;
- 17 (cc) in paragraph (3)(A), by
- 18 striking “child pornography” and
- 19 inserting “child sexual abuse ma-
- 20 terial”;
- 21 (dd) in paragraph (4)—
- 22 (AA) in subparagraph
- 23 (A), by striking “child por-
- 24 nography” and inserting

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

3 (BB) in subparagraph  
4 (B), by striking “child por-  
5 nography” and inserting  
6 “child sexual abuse mate-  
7 rial”;

8 (ee) in paragraph (5)—

9 (AA) in subparagraph  
10 (A), by striking “material  
11 that contains an image of  
12 child pornography” and in-  
13 sserting “item containing  
14 child sexual abuse material”;  
15 and

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

23 (ff) in paragraph (7)—

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

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

3 (BB) by striking the  
4 period at the end and insert-  
5 ing a comma;

6 (III) in subsection (b)—

7 (aa) in paragraph (1), by  
8 striking “child pornography” and  
9 inserting “child sexual abuse ma-  
10 terial”; and

11 (bb) in paragraph (2), by  
12 striking “child pornography”  
13 each place the term appears and  
14 inserting “child sexual abuse ma-  
15 terial”;

16 (IV) in subsection (c)—

17 (aa) in paragraph (1)(A), by  
18 striking “child pornography” and  
19 inserting “child sexual abuse ma-  
20 terial”;

21 (bb) in paragraph (2), by  
22 striking “child pornography” and  
23 inserting “child sexual abuse ma-  
24 terial”; and

1                   (cc) in the undesignated  
2 matter following paragraph (2),  
3 by striking “child pornography”  
4 and inserting “child sexual abuse  
5 material”;

6                   (V) in subsection (d)(1), by strik-  
7 ing “child pornography” and inserting  
8 “child sexual abuse material”; and

9                   (VI) in subsection (e), by striking  
10 “child pornography” each place the  
11 term appears and inserting “child sex-  
12 ual abuse material”;

13                   (iv) in section 2256(8)—

14                   (I) by striking “child pornog-  
15 raphy” and inserting “child sexual  
16 abuse material”; and

17                   (II) by striking the period at the  
18 end and inserting a semicolon;

19                   (v) in section 2257A(h)—

20                   (I) in paragraph (1)(A)(iii)—

21                   (aa) by inserting a comma  
22 after “marketed”;

23                   (bb) by striking “such than”  
24 and inserting “such that”; and

- 1 (cc) by striking “a visual de-  
2 picture that is child pornog-  
3 raphy” and inserting “child sex-  
4 ual abuse material”; and
- 5 (II) in paragraph (2), by striking  
6 “any visual depiction that is child por-  
7 nography” and inserting “child sexual  
8 abuse material”;
- 9 (vi) in section 2258A—
- 10 (I) in subsection (a)(2)—
- 11 (aa) in subparagraph (A),  
12 by striking “child pornography”  
13 and inserting “child sexual abuse  
14 material”; and
- 15 (bb) in subparagraph (B),  
16 by striking “child pornography”  
17 and inserting “child sexual abuse  
18 material”;
- 19 (II) in subsection (b)—
- 20 (aa) in paragraph (4)—
- 21 (AA) in the paragraph  
22 heading, by striking “VIS-  
23 UAL DEPICTIONS OF APPAR-  
24 ENT CHILD PORNOGRAPHY”  
25 and inserting “APPARENT



1 CHILD SEXUAL ABUSE MA-  
2 TERIAL”; and

3 (BB) by striking “vis-  
4 ual depiction of apparent  
5 child pornography” and in-  
6 serting “apparent child sex-  
7 ual abuse material”; and

8 (bb) in paragraph (5), by  
9 striking “visual depiction of ap-  
10 parent child pornography” and  
11 inserting “apparent child sexual  
12 abuse material”; and

13 (III) in subsection (g)(2)(B), by  
14 striking “visual depictions of apparent  
15 child pornography” and inserting “ap-  
16 parent child sexual abuse material”;  
17 (vii) in section 2258C—

18 (I) in the section heading, by  
19 striking “**Use to combat child**  
20 **pornography of technical ele-**  
21 **ments relating to reports**  
22 **made to the CyberTipline”** and  
23 inserting “**Use of technical ele-**  
24 **ments from reports made to**

1 **the CyberTipline to combat**  
2 **child sexual abuse material”;**

3 (II) in subsection (a)—

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

8 (bb) in paragraph (3), by  
9 striking “the actual visual depic-  
10 tions of apparent child pornog-  
11 raphy” and inserting “any appar-  
12 ent child sexual abuse material”;

13 (III) in subsection (d), by strik-  
14 ing “child pornography visual depic-  
15 tion” and inserting “child sexual  
16 abuse material visual depiction”; and

17 (IV) in subsection (e), by striking  
18 “child pornography visual depiction”  
19 and inserting “child sexual abuse ma-  
20 terial visual depiction”;

21 (viii) in section 2259—

22 (I) in paragraph (b)(2)—

23 (aa) in the paragraph head-  
24 ing, by striking “CHILD PORNOG-

1 RAPHY” and inserting “CHILD  
2 SEXUAL ABUSE MATERIAL”;

3 (bb) in the matter preceding  
4 subparagraph (A), by striking  
5 “child pornography” and insert-  
6 ing “child sexual abuse mate-  
7 rial”; and

8 (cc) in subparagraph (A), by  
9 striking “child pornography” and  
10 inserting “child sexual abuse ma-  
11 terial”;

12 (II) in subsection (c)—

13 (aa) in paragraph (1)—

14 (AA) in the paragraph  
15 heading, by striking “CHILD  
16 PORNOGRAPHY PRODUC-  
17 TION” and inserting “PRO-  
18 Duction OF CHILD SEXUAL  
19 ABUSE MATERIAL”;

20 (BB) by striking “child  
21 pornography production”  
22 and inserting “production of  
23 child sexual abuse material”;  
24 and

1                   (CC) by striking “pro-  
2                   duction of child pornog-  
3                   raphy” and inserting “pro-  
4                   duction of child sexual abuse  
5                   material”;

6                   (bb) in paragraph (2), in the  
7                   matter preceding subparagraph  
8                   (A), by striking “trafficking in  
9                   child pornography offenses” each  
10                  place the term appears and in-  
11                  serting “offenses for trafficking  
12                  in child sexual abuse material”;  
13                  and

14                  (cc) in paragraph (3)—

15                         (AA) in the paragraph  
16                         heading, by striking “CHILD  
17                         PORNOGRAPHY” and insert-  
18                         ing “CHILD SEXUAL ABUSE  
19                         MATERIAL”; and

20                         (BB) by striking “child  
21                         pornography” and inserting  
22                         “child sexual abuse mate-  
23                         rial”; and

24                  (III) in subsection (d)(1)—

25                         (aa) in subparagraph (A)—

1 (AA) by striking “child  
2 pornography” each place the  
3 term appears and inserting  
4 “child sexual abuse mate-  
5 rial”; and

6 (BB) by striking “Child  
7 Pornography Victims Re-  
8 serve” and inserting “Re-  
9 serve for Victims of Child  
10 Sexual Abuse Material”;

11 (bb) in subparagraph (B),  
12 by striking “child pornography”  
13 and inserting “child sexual abuse  
14 material”; and

15 (cc) in subparagraph (C)—

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

20 (BB) by striking “Child  
21 Pornography Victims Re-  
22 serve” and inserting “Re-  
23 serve for Victims of Child  
24 Sexual Abuse Material”;

25 (ix) in section 2259A—

1 (I) in the section heading, by  
2 striking “**child pornography**  
3 **cases**” and inserting “**cases in-**  
4 **volving child sexual abuse**  
5 **material**”;

6 (II) in subsection (a)—

7 (aa) in paragraph (2), by  
8 striking “child pornography” and  
9 inserting “child sexual abuse ma-  
10 terial”; and

11 (bb) in paragraph (3), by  
12 striking “a child pornography  
13 production offense” and inserting  
14 “an offense for production of  
15 child sexual abuse material”; and

16 (III) in subsection (d)(2)(B), by  
17 striking “child pornography produc-  
18 tion or trafficking offense that the de-  
19 fendant committed” and inserting “of-  
20 fense for production of child sexual  
21 abuse material or trafficking in child  
22 sexual abuse material committed by  
23 the defendant”; and

24 (x) in section 2259B—

1 (I) in the section heading, by  
2 striking “**Child pornography**  
3 **victims reserve**” and inserting  
4 “**Reserve for child sexual**  
5 **abuse material**”;

6 (II) in subsection (a), by striking  
7 “Child Pornography Victims Reserve”  
8 each place the term appears and in-  
9 serting “Reserve for Victims of Child  
10 Sexual Abuse Material”;

11 (III) in subsection (b), by strik-  
12 ing “Child Pornography Victims Re-  
13 serve” each place the term appears  
14 and inserting “Reserve for Victims of  
15 Child Sexual Abuse Material”; and

16 (IV) in subsection (c), by striking  
17 “Child Pornography Victims Reserve”  
18 and inserting “Reserve for Victims of  
19 Child Sexual Abuse Material”;

20 (C) in chapter 117—

21 (i) in section 2423(f)(3), by striking  
22 “child pornography” and inserting “child  
23 sexual abuse material”; and

24 (ii) in section 2427—

1 (I) in the section heading, by  
2 striking “**child pornography**”  
3 and inserting “**child sexual abuse**  
4 **material**”; and

5 (II) by striking “child pornog-  
6 raphy” and inserting “child sexual  
7 abuse material”;

8 (D) in section 2516—

9 (i) in paragraph (1)(c), by striking  
10 “material constituting or containing child  
11 pornography” and inserting “child sexual  
12 abuse material”; and

13 (ii) in paragraph (2), by striking  
14 “child pornography production” and in-  
15 sserting “production of child sexual abuse  
16 material”;

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

20 (F) in section 3509—

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

24 (ii) in subsection (m)—



1 (I) in the subsection heading, by  
2 striking “CHILD PORNOGRAPHY” and  
3 inserting “CHILD SEXUAL ABUSE  
4 MATERIAL”;

5 (II) in paragraph (1), by striking  
6 “property or material that constitutes  
7 child pornography (as defined by sec-  
8 tion 2256 of this title)” and inserting  
9 “child sexual abuse material (as de-  
10 fined by section 2256 of this title), or  
11 property or items containing such ma-  
12 terial,”;

13 (III) in paragraph (2)—

14 (aa) in subparagraph (A)—

15 (AA) by striking “prop-  
16 erty or material that con-  
17 stitutes child pornography  
18 (as defined by section 2256  
19 of this title)” and inserting  
20 “child sexual abuse material  
21 (as defined by section 2256  
22 of this title), or property or  
23 items containing such mate-  
24 rial,”; and

1 (BB) by striking “the  
2 property or material” and  
3 inserting “the child sexual  
4 abuse material, property, or  
5 items”; and

6 (bb) in subparagraph (B),  
7 by striking “property or mate-  
8 rial” each place the term appears  
9 and inserting “child sexual abuse  
10 material, property, or items”;  
11 and

12 (IV) in paragraph (3)—

13 (aa) by striking “property or  
14 material that constitutes child  
15 pornography, as defined under  
16 section 2256(8)” and inserting  
17 “child sexual abuse material (as  
18 defined by section 2256 of this  
19 title)”;

20 (bb) by striking “such child  
21 pornography” and inserting  
22 “such child sexual abuse mate-  
23 rial”; and

24 (cc) by striking “Such prop-  
25 erty or material” and inserting

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

3                                   (G) in section 3632(d)(4)(D)(xlii), by  
4                                   striking “material constituting or containing  
5                                   child pornography” and inserting “child sexual  
6                                   abuse material”.

7                                   (8) TARIFF ACT OF 1930.—Section  
8                                   583(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C.  
9                                   1583(a)(2)(B)) is amended by striking “child por-  
10                                  nography” and inserting “child sexual abuse mate-  
11                                  rial”.

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

16                                  (A) in subsection (a)—

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

20   (ii) in paragraph (2)(A)(ii), by strik-  
21   ing “child pornography” and inserting  
22   “child sexual abuse material”; and

23                                  (B) in subsection (e)(5)—

1 (i) in the paragraph heading, by strik-  
2 ing “CHILD PORNOGRAPHY” and inserting  
3 “CHILD SEXUAL ABUSE MATERIAL”; and

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

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

10 (A) in paragraph (1)—

11 (i) in subparagraph (A)(i)(II), by  
12 striking “child pornography” and inserting  
13 “child sexual abuse material”; and

14 (ii) in subparagraph (B)(i)(II), by  
15 striking “child pornography” and inserting  
16 “child sexual abuse material”; and

17 (B) in paragraph (7)(A)—

18 (i) in the subparagraph heading, by  
19 striking “CHILD PORNOGRAPHY” and in-  
20 sserting “CHILD SEXUAL ABUSE MATE-  
21 RIAL”; and

22 (ii) by striking “child pornography”  
23 and inserting “child sexual abuse mate-  
24 rial”.

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

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

11           (A) in clause (i)(I)(aa), by striking “child  
12 pornography” and inserting “child sexual abuse  
13 material”; and

14           (B) in clause (ii), by striking “child por-  
15 nography” and inserting “child sexual abuse  
16 material”.

17           (13) VICTIMS OF CRIME ACT OF 1984.—Section  
18 1402(d)(6)(A) of the Victims of Crime Act of 1984  
19 (34 U.S.C. 20101(d)(6)(A)) is amended by striking  
20 “Child Pornography Victims Reserve” and inserting  
21 “Reserve for Victims of Child Sexual Abuse Mate-  
22 rial”.

23           (14) VICTIMS OF CHILD ABUSE ACT OF 1990.—  
24 The Victims of Child Abuse Act of 1990 (34 U.S.C.  
25 20301 et seq.) is amended—

1 (A) in section 212(4) (34 U.S.C.  
2 20302(4)), by striking “child pornography” and  
3 inserting “child sexual abuse material”;

4 (B) in section 214(b) (34 U.S.C.  
5 20304(b))—

6 (i) in the subsection heading, by strik-  
7 ing “CHILD PORNOGRAPHY” and inserting  
8 “CHILD SEXUAL ABUSE MATERIAL”; and

9 (ii) by striking “child pornography”  
10 and inserting “child sexual abuse mate-  
11 rial”; and

12 (C) in section 226(c)(6) (34 U.S.C.  
13 20341(c)(6)), by striking “child pornography”  
14 and inserting “child sexual abuse material”.

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

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

22 (B) in paragraph (7)(G), by striking “child  
23 pornography” and inserting “child sexual abuse  
24 material”.

1           (16) ADAM WALSH CHILD PROTECTION AND  
2 SAFETY ACT OF 2006.—Section 143(b)(3) of the  
3 Adam Walsh Child Protection and Safety Act of  
4 2006 (34 U.S.C. 20942(b)(3)) is amended by strik-  
5 ing “child pornography and enticement cases” and  
6 inserting “cases involving child sexual abuse mate-  
7 rial and enticement of children”.

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

11           (A) in section 101(c) (34 U.S.C.  
12 21111(c))—

13           (i) in paragraph (16)—

14           (I) in the matter preceding sub-  
15 paragraph (A), by striking “child por-  
16 nography trafficking” and inserting  
17 “trafficking in child sexual abuse ma-  
18 terial”;

19           (II) in subparagraph (A), by  
20 striking “child pornography” and in-  
21 serting “child sexual abuse material”;

22           (III) in subparagraph (B), by  
23 striking “child pornography” and in-  
24 serting “child sexual abuse material”;

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

5 (V) in subparagraph (D), by  
6 striking “child pornography” and in-  
7 sserting “child sexual abuse material”;  
8 and

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

12 (B) in section 105(e)(1)(C) (34 U.S.C.  
13 21115(e)(1)(C)), by striking “child pornog-  
14 raphy trafficking” and inserting “trafficking in  
15 child sexual abuse material”.

16 (18) SOCIAL SECURITY ACT.—Section  
17 471(a)(20)(A)(i) of the Social Security Act (42  
18 U.S.C. 671(a)(20)(A)(i)) is amended by striking  
19 “child pornography” and inserting “offenses involv-  
20 ing child sexual abuse material”.

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



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

4 (B) in subsection (b)(1), by striking “child  
5 pornography” and inserting “child sexual abuse  
6 material”.

7 (20) CHILD CARE AND DEVELOPMENT BLOCK  
8 GRANT ACT OF 1990.—Section 658H(c)(1) of the  
9 Child Care and Development Block Grant Act of  
10 1990 (42 U.S.C. 9858f(c)(1)) is amended—

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

14 (B) in subparagraph (E), by striking  
15 “child pornography” and inserting “child sexual  
16 abuse material”.

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

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

21 (i) in subsection (a)(1)—

22 (I) in subparagraph (A), in the  
23 undesignated matter following clause

24 (ii), by striking “child pornography”

1 and inserting “which constitutes child  
2 sexual abuse material”; and

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

8 (ii) in subsection (d)(1), in the undes-  
9 ignated matter following subparagraph  
10 (B), by striking “child pornography” and  
11 inserting “that constitutes child sexual  
12 abuse material”; and

13 (B) in section 254(h) (47 U.S.C.  
14 254(h))—

15 (i) in paragraph (5)—

16 (I) in subparagraph (B)(i)(II), by  
17 striking “child pornography” and in-  
18 serting “child sexual abuse material”;  
19 and

20 (II) in subparagraph (C)(i)(II),  
21 by striking “child pornography” and  
22 inserting “child sexual abuse mate-  
23 rial”;

24 (ii) in paragraph (6)—

1 (I) in subparagraph (B)(i)(II), by  
 2 striking “child pornography” and in-  
 3 serting “child sexual abuse material”;  
 4 and

5 (II) in subparagraph (C)(i)(II),  
 6 by striking “child pornography” and  
 7 inserting “child sexual abuse mate-  
 8 rial”; and

9 (iii) in paragraph (7)(F)—

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

14 (II) by striking “child pornog-  
 15 raphy” and inserting “child sexual  
 16 abuse material”.

17 (c) TABLE OF SECTIONS AMENDMENTS.—

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

21 (A) by striking the item relating to section  
 22 2252A and inserting the following:

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

23 (B) by striking the item relating to section  
 24 2258C and inserting the following:

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

1 (C) by striking the item relating to section  
2 2259A and inserting the following:

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

3 and

4 (D) by striking the item relating to section  
5 2259B and inserting the following:

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

6 (2) CHAPTER 117 OF TITLE 18.—The table of  
7 sections for chapter 117 of title 18, United States  
8 Code, is amended by striking the item relating to  
9 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.”.

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

18 (e) EFFECTIVE DATE.—The amendments made by  
19 this section to title 18 of the United States Code shall  
20 apply to conduct that occurred before, on, or after the date  
21 of enactment of this Act.

1 **SEC. 7. MODERNIZING THE CYBERTIPLINE.**

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

4 (1) in section 2258A, as amended by section  
5 6(b) of this Act—

6 (A) in subsection (a)—

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

13 (ii) in paragraph (2)(A)—

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

17 (II) by striking “or 2260” and  
18 inserting “2260, or 2422(b)”;

19 (B) in subsection (b)—

20 (i) in paragraph (1)—

21 (I) by inserting “or location”  
22 after “identity”; and

23 (II) by striking “other identifying  
24 information,” and inserting “other in-  
25 formation which may identify or lo-  
26 cate the involved individual,”;

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

4 (iii) by inserting after paragraph (1)  
5 the following:

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

14 (iv) by adding at the end the fol-  
15 lowing:

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

22 (C) in subsection (d)(5)(B)—

23 (i) in clause (i), by striking “for-  
24 warded” and inserting “made available”;  
25 and

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

3 (2) in section 2258B—

4 (A) in subsection (a)—

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

10 “(1) the performance”;

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

15 (iii) by adding at the end the fol-  
16 lowing:

17 “(2) transmitting, distributing, or mailing child  
18 sexual abuse material to any Federal, State, or local  
19 law enforcement agency, or giving such agency ac-  
20 cess to child sexual abuse material, in response to a  
21 search warrant, court order, or other legal process  
22 issued by such agency; or

23 “(3) research voluntarily undertaken by the  
24 provider or domain name registrar using any mate-

1       rial being preserved under section 2258A(h), if the  
2       research is only for the purpose of—

3               “(A) improving or facilitating reporting  
4               under this section, section 2258A, or section  
5               2258C; or

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

8               (B) in subsection (b)(2)(C)—

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

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

12                      (iii) by striking “this section, sec-  
13                      tions” and inserting “this section or sec-  
14                      tion”; and

15               (3) in section 2258C, as amended by section  
16       6(b) of this Act—

17               (A) in the section heading, by striking  
18       **“the CyberTipline”** and inserting  
19       **“NCMEC”**;

20               (B) in subsection (a)—

21                       (i) in paragraph (1)—

22                               (I) by striking “NCMEC” and  
23                               inserting the following:

24                               “(A) PROVISION TO PROVIDERS.—  
25       NCMEC”;



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

10 (III) by adding at the end the  
11 following:

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

24 (ii) in paragraph (2)—

1 (I) by inserting “(A)” after  
2 “(1)”;

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

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

23 (C) in subsection (d), by inserting “or to  
24 the child victim identification program de-  
25 scribed in section 404(b)(1)(K)(ii) of the Juve-

1           nile Justice and Delinquency Prevention Act of  
 2           1974 (34 U.S.C. 11293(b)(1)(K)(ii))” after  
 3           “CyberTipline”.

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

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

9   **SEC. 8. ELIMINATING NETWORK DISTRIBUTION OF CHILD**  
 10                           **EXPLOITATION.**

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

13           (1) in paragraph (1), by striking “90 days” and  
 14           inserting “180 days”; and

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

16           “(5) EXTENSION OF PRESERVATION.—A pro-  
 17           vider of a report to the CyberTipline may voluntarily  
 18           preserve the contents provided in the report (includ-  
 19           ing any comingled content described in paragraph  
 20           (2)) for longer than 180 days after the submission  
 21           to the CyberTipline for the purpose of reducing the  
 22           proliferation of online child sexual exploitation or  
 23           preventing the online sexual exploitation of chil-  
 24           dren.”.

1 **SEC. 9. IT SOLUTIONS RELATING TO COMBATING ONLINE**  
2 **CHILD EXPLOITATION.**

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

6 (1) by redesignating section 409 (34 U.S.C.  
7 11297) as section 410; and

8 (2) by inserting after section 408 (34 U.S.C.  
9 11296) the following:

10 **“SEC. 409. IT SOLUTIONS RELATING TO COMBATING ON-**  
11 **LINE CHILD EXPLOITATION.**

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

21 “(b) CONSULTATION WITH PARTNERS.—In devel-  
22 oping the information technology solutions under sub-  
23 section (a), the Administrator shall solicit input from all  
24 partners in the effort to combat online child exploitation,  
25 including the Center, ICAC task forces, the Federal Bu-  
26 reau of Investigation, the Department of Homeland Secu-

1 rity, U.S. Immigration and Customs Enforcement, Home-  
2 land Security Investigations, and the United States Mar-  
3 shals Service.

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

8 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

11 **SEC. 11. SEVERABILITY.**

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

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