

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 3398

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. GRAHAM (for himself and Mr.
BLUMENTHAL)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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 2020” or the “EARN IT Act of 2020”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

1 (ii) The Secretary of Homeland Secu-
2 rity or his or her representative.

3 (iii) The Chairman of the Federal
4 Trade Commission or his or her represent-
5 ative.

6 (C) OTHER MEMBERS.—Of the remaining
7 16 members of the Commission—

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

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

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

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

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

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

4

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);

13 (iii) 4 shall be appointed by the
14 Speaker 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); and

4 (iv) 4 shall be appointed by the minor-
5 ity leader of the House of Representatives,
6 of whom—

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

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

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

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

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

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

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

3 (ii) 2 shall have such experience in a
4 prosecutorial capacity;

5 (B) 4 shall be survivors of online child sex-
6 ual exploitation, or have current experience in
7 providing services for victims of online child
8 sexual exploitation in a non-governmental ca-
9 pacity;

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

13 (ii) 2 shall have current experience in com-
14 puter science or software engineering related to
15 matters of cryptography, data security, or arti-
16 ficial intelligence in a non-governmental capac-
17 ity; and

18 (D) 4 shall be individuals who each cur-
19 rently work for an interactive computer service
20 that is unrelated to each other interactive com-
21 puter service represented under this subpara-
22 graph, representing diverse types of businesses
23 and areas of professional expertise, of whom—

24 (i) 2 shall have current experience in
25 addressing online child sexual exploitation

1 and promoting child safety at an inter-
2 active computer service with not less than
3 30,000,000 monthly users in the United
4 States; and

5 (ii) 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 less than
9 10,000,000 monthly users in the United
10 States.

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

15 (d) PERIOD OF APPOINTMENT; VACANCIES.—

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

19 (2) VACANCIES.—

20 (A) EFFECT ON COMMISSION.—Any va-
21 cancy in the Commission shall not affect the
22 powers of the Commission.

23 (B) FILLING OF VACANCIES.—A vacancy
24 in the Commission shall be filled in the same

1 manner as the original appointment under sub-
2 section (c)(1).

3 (e) INITIAL MEETING.—The Commission shall hold
4 the first meeting of the Commission not later than 60 days
5 after the date on which a majority of the members of the
6 Commission have been appointed.

7 (f) CHAIRPERSON.—The Attorney General or his or
8 her representative shall serve as the Chairperson of the
9 Commission.

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

13 (h) MEETINGS.—The Commission shall meet at the
14 call of the Chairperson.

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

20 (j) INFORMATION FROM FEDERAL AGENCIES.—

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

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

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

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

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

20 (a) RECOMMENDED BEST PRACTICES.—

21 (1) INITIAL RECOMMENDATIONS.—

22 (A) IN GENERAL.—Not later than 18
23 months after the date on which a majority of
24 the members of the Commission required to be
25 appointed under section 3(c)(1)(C) have been so

1 appointed, the Commission shall develop and
2 submit to the Attorney General recommended
3 best practices that providers of interactive com-
4 puter services may choose to engage in to pre-
5 vent, reduce, and respond to the online sexual
6 exploitation of children, including the entice-
7 ment, grooming, sex trafficking, and sexual
8 abuse of children and the proliferation of online
9 child sexual abuse material.

10 (B) REQUIREMENTS.—

11 (i) ALTERNATIVE BEST PRACTICES.—

12 The best practices required to be developed
13 and submitted under subparagraph (A)
14 shall include alternatives that take into
15 consideration—

16 (I) the size, type of product, and
17 business model of a provider of an
18 interactive computer service;

19 (II) whether an interactive com-
20 puter service—

21 (aa) is made available to the
22 public;

23 (bb) is primarily responsible
24 for hosting, storage, display, and
25 retrieval of information on behalf

1 of third parties, including pro-
2 viders of other interactive com-
3 puter services; or

4 (cc) provides the capability
5 to transmit data to and receive
6 data from all or substantially all
7 internet endpoints on behalf of a
8 consumer; and

9 (III) whether a type of product,
10 business model, product design, or
11 other factors related to the provision
12 of an interactive computer service
13 could make a product or service sus-
14 ceptible to the use and facilitation of
15 online child sexual exploitation.

16 (ii) SCOPE.—Notwithstanding para-
17 graph (3), the alternatives described in
18 clause (i) of this subparagraph may ex-
19 clude certain matters required to be ad-
20 dressed under paragraph (3), as the Com-
21 mission determines appropriate based on
22 the nature of particular products or serv-
23 ices, the factors described in such clause
24 (i), or other factors relevant to the pur-
25 poses of this Act.

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

5 (3) MATTERS ADDRESSED.—The matters ad-
6 dressed by the recommended best practices devel-
7 oped and submitted by the Commission under para-
8 graph (1) shall include—

9 (A) preventing, identifying, disrupting, and
10 reporting online child sexual exploitation;

11 (B) coordinating with non-profit organiza-
12 tions and other providers of interactive com-
13 puter services to preserve, remove from view,
14 and report online child sexual exploitation;

15 (C) retaining child sexual exploitation con-
16 tent and related user identification and location
17 data;

18 (D) receiving and triaging reports of online
19 child sexual exploitation by users of interactive
20 computer services, including self-reporting;

21 (E) implementing a standard rating and
22 categorization system to identify the type and
23 severity of child sexual abuse material;

24 (F) training and supporting content mod-
25 erators who review child sexual exploitation con-

1 tent for the purposes of preventing and dis-
2 rupting online child sexual exploitation;

3 (G) preparing and issuing transparency re-
4 ports, including disclosures in terms of service,
5 relating to identifying, categorizing, and report-
6 ing online child sexual exploitation and efforts
7 to prevent and disrupt online child sexual ex-
8 ploitation;

9 (H) coordinating with voluntary initiatives
10 offered among and to providers of interactive
11 computer services relating to identifying, cat-
12 egorizing, and reporting online child sexual ex-
13 ploitation;

14 (I) employing age rating and age gating
15 systems to reduce online child sexual exploi-
16 tation;

17 (J) offering parental control products that
18 enable customers to limit the types of websites,
19 social media platforms, and internet content
20 that are accessible to children; and

21 (K) contractual and operational practices
22 to ensure third parties, contractors, and affili-
23 ates comply with the best practices.

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

4 (A) the cost and technical limitations of
5 implementing the best practices;

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

8 (C) the impact on the ability of law en-
9 forcement agencies to investigate and prosecute
10 child sexual exploitation and rescue victims; and

11 (D) the current state of technology.

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

16 (b) PUBLICATION OF BEST PRACTICES.—Not later
17 than 30 days after the date on which the Commission sub-
18 mits recommended best practices under subsection (a), in-
19 cluding updated recommended best practices under para-
20 graph (5) of that subsection, the Attorney General shall
21 publish the recommended best practices on the website of
22 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 **SEC. 6. USE OF TERM “CHILD SEXUAL ABUSE MATERIAL”.**

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

10 (b) AMENDMENTS.—

11 (1) TITLE 5, UNITED STATES CODE.—Chapter
12 65 of title 5, United States Code, is amended—

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

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

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

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

1 (B) in section 890A (6 U.S.C. 473)—

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

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

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

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

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

23 (6) CAN-SPAM ACT OF 2003.—Section
24 4(b)(2)(B) of the CAN-SPAM Act of 2003 (15
25 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 “**child pornography**”
23 and inserting “**child sexual abuse**
24 **material**”;

25 (II) in subsection (a)—

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

5 (bb) in paragraph (2)—

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 (cc) in paragraph (3), by
17 striking “child pornography” and
18 inserting “child sexual abuse ma-
19 terial”;

20 (dd) in paragraph (4)—

21 (AA) in subparagraph
22 (A), by striking “child por-
23 nography” and inserting
24 “child sexual abuse mate-
25 rial”; and

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

6 (ee) in paragraph (5)—

7 (AA) in subparagraph
8 (A), by striking “an image
9 of child pornography” and
10 inserting “child sexual abuse
11 material”; and

12 (BB) in subparagraph
13 (B), by striking “an image
14 of child pornography” and
15 inserting “child sexual abuse
16 material”; and

17 (ff) in paragraph (7)—

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

22 (BB) by striking the
23 period at the end and insert-
24 ing a comma;

25 (III) in subsection (b)—

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

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

10 (IV) in subsection (c)—

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

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

19 (cc) in the undesignated
20 matter following paragraph (2),
21 by striking “child pornography”
22 and inserting “child sexual abuse
23 material”;

22

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

4 (VI) in subsection (e), by striking
5 “child pornography” each place the
6 term appears and inserting “child sex-
7 ual abuse material”;

8 (iv) in section 2256(8)—

9 (I) by striking “child pornog-
10 raphy” and inserting “child sexual
11 abuse material”; and

12 (II) by striking the period at the
13 end and inserting a semicolon;

14 (v) in section 2257A(h)—

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

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

21 (vi) in section 2258A—

22 (I) in subsection (a)(2)—

23 (aa) in subparagraph (A),
24 by striking “child pornography”

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

3 (bb) in subparagraph (B),
4 by striking “child pornography”
5 and inserting “child sexual abuse
6 material”;

7 (II) in subsection (b)—

8 (aa) in paragraph (4)—

9 (AA) in the paragraph
10 heading, by striking “CHILD
11 PORNOGRAPHY” and insert-
12 ing “CHILD SEXUAL ABUSE
13 MATERIAL”; and

14 (BB) by striking “child
15 pornography” and inserting
16 “child sexual abuse mate-
17 rial”; and

18 (bb) in paragraph (5), by
19 striking “child pornography” and
20 inserting “child sexual abuse ma-
21 terial”; and

22 (III) in subsection (g)(2)(B), by
23 striking “child pornography” and in-
24 serting “child sexual abuse material”;

25 (vii) in section 2258C—

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

5 (II) in subsection (a)—

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

10 (bb) in paragraph (3), by
11 striking “child pornography” and
12 inserting “child sexual abuse ma-
13 terial”;

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

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

22 (viii) in section 2259—

23 (I) in paragraph (b)(2)—

24 (aa) in the paragraph head-
25 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” and insert-
17 ing “CHILD SEXUAL ABUSE
18 MATERIAL”; and

19 (BB) by striking “child
20 pornography” each place the
21 term appears and inserting
22 “child sexual abuse mate-
23 rial”;

24 (bb) in paragraph (2), in the
25 matter preceding subparagraph

1 (A), by striking “child pornog-
2 raphy” each place the term ap-
3 pears and inserting “child sexual
4 abuse material”; and

5 (cc) in paragraph (3)—

6 (AA) in the paragraph
7 heading, by striking “CHILD
8 PORNOGRAPHY” and insert-
9 ing “CHILD SEXUAL ABUSE
10 MATERIAL”; and

11 (BB) by striking “child
12 pornography” and inserting
13 “child sexual abuse mate-
14 rial”; and

15 (III) in subsection (d)(1)—

16 (aa) in subparagraph (A)—

17 (AA) by striking “child
18 pornography” each place the
19 term appears and inserting
20 “child sexual abuse mate-
21 rial”; and

22 (BB) by striking “Child
23 Pornography” and inserting
24 “Child Sexual Abuse Mate-
25 rial”;

1 (bb) in subparagraph (B),
2 by striking “child pornography”
3 and inserting “child sexual abuse
4 material”; and

5 (cc) in subparagraph (C)—
6 (AA) by striking “child
7 pornography” and inserting
8 “child sexual abuse mate-
9 rial”; and

10 (BB) by striking “Child
11 Pornography” and inserting
12 “Child Sexual Abuse Mate-
13 rial”;

14 (ix) in section 2259A—

15 (I) in the section heading, by
16 striking “**child pornography**”
17 and inserting “**child sexual abuse**
18 **material**”;

19 (II) in subsection (a)—

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

24 (bb) in paragraph (3), by
25 striking “child pornography” and

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

3 (III) in subsection (d)(2)(B), by
4 striking “child pornography” and in-
5 serting “child sexual abuse material”;
6 and

7 (x) in section 2259B—

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

12 (II) in subsection (a), by striking
13 “Child Pornography” each place the
14 term appears and inserting “Child
15 Sexual Abuse Material”;

16 (III) in subsection (b), by strik-
17 ing “Child Pornography” each place
18 the term appears and inserting “Child
19 Sexual Abuse Material”;

20 (IV) in subsection (c), by striking
21 “Child Pornography” and inserting
22 “Child Sexual Abuse Material”; and

23 (V) in subsection (d), by striking
24 “Child Pornography” and inserting
25 “Child Sexual Abuse Material”;

1 (C) in chapter 117—

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

5 (ii) in section 2427—

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

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

13 (D) in section 2516—

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

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

20 (E) in section 3014(h)(3), by striking
21 “child pornography” and inserting “child sexual
22 abuse material”;

23 (F) in section 3509—

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

4 (ii) in subsection (m)—

5 (I) in the subsection heading, by
6 striking “CHILD PORNOGRAPHY” and
7 inserting “CHILD SEXUAL ABUSE
8 MATERIAL”;

9 (II) in paragraph (1), by striking
10 “child pornography” and inserting
11 “constitutes a child sexual abuse ma-
12 terial”;

13 (III) in paragraph (2), by strik-
14 ing “child pornography” and inserting
15 “constitutes a child sexual abuse ma-
16 terial”; and

17 (IV) in paragraph (3), by strik-
18 ing “child pornography” each place
19 the term appears and inserting “child
20 sexual abuse material”; and

21 (G) in section 3632(d)(4)(D)(xlii), by
22 striking “child pornography” and inserting
23 “child sexual abuse material”.

24 (8) TARIFF ACT OF 1930.—Section
25 583(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C.

1 1583(a)(2)(B)) is amended by striking “child por-
2 nography” and inserting “child sexual abuse mate-
3 rial”.

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

8 (A) in subsection (a)—

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

12 (ii) in paragraph (2)(A)(ii), by strik-
13 ing “child pornography” and inserting
14 “child sexual abuse material”; and

15 (B) in subsection (e)(5)—

16 (i) in the paragraph heading, by strik-
17 ing “CHILD PORNOGRAPHY” and inserting
18 “CHILD SEXUAL ABUSE MATERIAL”; and

19 (ii) by striking “child pornography”
20 and inserting “child sexual abuse mate-
21 rial”.

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

25 (A) in paragraph (1)—

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

4 (ii) in subparagraph (B)(i)(II), by
5 striking “child pornography” and inserting
6 “child sexual abuse material”; and

7 (B) in paragraph (7)(A)—

8 (i) in the subparagraph heading, by
9 striking “CHILD PORNOGRAPHY” and in-
10 sserting “CHILD SEXUAL ABUSE MATE-
11 RIAL”; and

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

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

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

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

4 (B) in clause (ii), by striking “child por-
5 nography” and inserting “child sexual abuse
6 material”.

7 (13) VICTIMS OF CRIME ACT OF 1984.—Section
8 1402(d)(6)(A) of the Victims of Crime Act of 1984
9 (34 U.S.C. 20101(d)(6)(A)) is amended by striking
10 “Child Pornography” and inserting “Child Sexual
11 Abuse Material”.

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

15 (A) in section 212(4) (34 U.S.C.
16 20302(4)), by striking “child pornography” and
17 inserting “child sexual abuse material”;

18 (B) in section 214(b) (34 U.S.C.
19 20304(b))—

20 (i) in the subsection heading, by strik-
21 ing “CHILD PORNOGRAPHY” and inserting
22 “CHILD SEXUAL ABUSE MATERIAL”; and

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

1 (C) in section 226(c)(6) (34 U.S.C.
2 20341(c)(6)), by striking “child pornography”
3 and inserting “child sexual abuse material”.

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

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

11 (B) in paragraph (7)(G), by striking “child
12 pornography” and inserting “child sexual abuse
13 material”.

14 (16) ADAM WALSH CHILD PROTECTION AND
15 SAFETY ACT OF 2006.—Section 143(b)(3) of the
16 Adam Walsh Child Protection and Safety Act of
17 2006 (34 U.S.C. 20942(b)(3)) is amended by strik-
18 ing “child pornography” and inserting “child sexual
19 abuse material”.

20 (17) PROTECT OUR CHILDREN ACT OF 2008.—
21 Section 105(e)(1)(C) of the PROTECT Our Chil-
22 dren Act of 2008 (34 U.S.C. 21115(e)(1)(C)) is
23 amended by striking “child pornography” and in-
24 serting “child sexual abuse material”.

1 (18) SOCIAL SECURITY ACT.—Section
2 471(a)(20)(A)(i) of the Social Security Act (42
3 U.S.C. 671(a)(20)(A)(i)) is amended by striking
4 “child pornography” and inserting “offenses involv-
5 ing child sexual abuse material”.

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

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

12 (B) in subsection (b)(1), by striking “child
13 pornography” and inserting “child sexual abuse
14 material”.

15 (20) CHILD CARE AND DEVELOPMENT BLOCK
16 GRANT ACT OF 1990.—Section 658H(c)(1) of the
17 Child Care and Development Block Grant Act of
18 1990 (42 U.S.C. 9858f(c)(1)) is amended—

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

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

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

4 (A) in section 223 (47 U.S.C. 223)—

5 (i) in subsection (a)(1)—

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

11 (II) in subparagraph (B), in the
12 undesignated matter following clause
13 (ii), by striking “child pornography”
14 and inserting “which constitutes child
15 sexual abuse material”; and

16 (ii) in subsection (d)(1), in the undes-
17 ignated matter following subparagraph
18 (B), by striking “child pornography” and
19 inserting “that constitutes child sexual
20 abuse material”; and

21 (B) in section 254(h) (47 U.S.C.
22 254(h))—

23 (i) in paragraph (5)—

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

1 serting “child sexual abuse material”;

2 and

3 (II) in subparagraph (C)(i)(II),

4 by striking “child pornography” and

5 inserting “child sexual abuse mate-

6 rial”;

7 (ii) in paragraph (6)—

8 (I) in subparagraph (B)(i)(II), by

9 striking “child pornography” and in-

10 serting “child sexual abuse material”;

11 and

12 (II) in subparagraph (C)(i)(II)

13 by striking “child pornography” and

14 inserting “child sexual abuse mate-

15 rial”; and

16 (iii) in paragraph (7)(F)—

17 (I) in the subparagraph heading,

18 by striking “CHILD PORNOGRAPHY”

19 and inserting “CHILD SEXUAL ABUSE

20 MATERIAL”; and

21 (II) by striking “child pornog-

22 raphy” and inserting “child sexual

23 abuse material”.

24 (c) TABLE OF SECTIONS AMENDMENTS.—

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

4 (A) by striking the item relating to section
5 2252A and inserting the following:

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

6 (B) by striking the item relating to section
7 2258C and inserting the following:

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

8 (C) by striking the item relating to section
9 2259A and inserting the following:

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

10 and

11 (D) by striking the item relating to section
12 2259B and inserting the following:

“2259B. Child sexual abuse materials victims reserve”.

13 (2) CHAPTER 117 OF TITLE 18.—The table of
14 sections for chapter 117 of title 18, United States
15 Code, is amended by striking the item relating to
16 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.”.

17 **SEC. 7. MODERNIZING THE CYBERTIPLINE.**

18 Chapter 110 of title 18, United States Code, is
19 amended—

- 1 (1) in section 2258A—
- 2 (A) in subsection (a)—
- 3 (i) in paragraph (1)(B)(ii), by insert-
- 4 ing after “facts or circumstances” the fol-
- 5 lowing: “, including any available facts or
- 6 circumstances sufficient to identify and lo-
- 7 cate each minor and each involved indi-
- 8 vidual,”; and
- 9 (ii) in paragraph (2)(A)—
- 10 (I) by inserting “1591 (if the vio-
- 11 lation involves a minor),” before
- 12 “2251,”; and
- 13 (II) by striking “or 2260” and
- 14 inserting “2260, or 2422(b)”;
- 15 (B) in subsection (b)—
- 16 (i) in paragraph (1)—
- 17 (I) by inserting “or location”
- 18 after “identity”; and
- 19 (II) by striking “other identifying
- 20 information,” and inserting “other in-
- 21 formation which may identify or lo-
- 22 cate the involved individual,”;
- 23 (ii) by redesignating paragraphs (2)
- 24 through (5) as paragraphs (3) through (6),
- 25 respectively;

1 (iii) by inserting after paragraph (1)
2 the following:

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

11 (iv) by adding at the end the fol-
12 lowing:

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

19 (C) in subsection (d)(5)(B)—

20 (i) in clause (i), by striking “for-
21 warded” and inserting “made available”;
22 and

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

25 (2) in section 2258B—

1 (A) in subsection (a)—

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

7 “(1) the performance”;

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

12 (iii) by adding at the end the fol-
13 lowing:

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

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

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

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

6 (B) in subsection (b)(2)(C)—

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

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

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

13 (3) in section 2258C—

14 (A) in the section heading, by striking
15 “**the CyberTipline**” and inserting
16 “**NCMEC**”;

17 (B) in subsection (a)—

18 (i) in paragraph (1)—

19 (I) by striking “NCMEC” and
20 inserting the following:

21 “(A) PROVISION TO PROVIDERS.—
22 NCMEC”;

23 (II) in subparagraph (A), as so
24 designated, by inserting “or submis-
25 sion to the child victim identification

1 program described in section
2 404(b)(1)(K)(ii) of the Juvenile Jus-
3 tice and Delinquency Prevention Act
4 of 1974 (34 U.S.C.
5 11293(b)(1)(K)(ii))” after
6 “CyberTipline report”; and

7 (III) by adding at the end the
8 following:

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

21 (ii) in paragraph (2)—

22 (I) by inserting “(A)” after
23 “(1)”;

24 (II) by inserting “or submission
25 to the child victim identification pro-

1 gram described in section
2 404(b)(1)(K)(ii) of the Juvenile Jus-
3 tice and Delinquency Prevention Act
4 of 1974 (34 U.S.C.
5 11293(b)(1)(K)(ii))” after
6 “CyberTipline report”; and

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

19 (C) in subsection (d), by inserting “or to
20 the child victim identification program de-
21 scribed in section 404(b)(1)(K)(ii) of the Juve-
22 nile Justice and Delinquency Prevention Act of
23 1974 (34 U.S.C. 11293(b)(1)(K)(ii))” after
24 “CyberTipline”.

1 **SEC. 8. ELIMINATING NETWORK DISTRIBUTION OF CHILD**
2 **EXPLOITATION.**

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

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

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

8 “(5) **EXTENSION OF PRESERVATION.**—A pro-
9 vider of a report to the CyberTipline may voluntarily
10 preserve the contents provided in the report (includ-
11 ing any comingled content described in paragraph
12 (2)) for longer than 180 days after the submission
13 to the CyberTipline for the purpose of reducing the
14 proliferation of online child sexual exploitation or
15 preventing the online sexual exploitation of chil-
16 dren.”.

17 **SEC. 9. IT SOLUTIONS RELATING TO COMBATING ONLINE**
18 **CHILD EXPLOITATION.**

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

22 (1) by redesignating section 409 (34 U.S.C.
23 11297) as section 410; and

24 (2) by inserting after section 408 (34 U.S.C.
25 11296) the following:

1 **“SEC. 409. IT SOLUTIONS RELATING TO COMBATING ON-**
2 **LINE CHILD EXPLOITATION.**

3 “(a) DEVELOPMENT OF IT SOLUTIONS.—The Ad-
4 ministrator shall enable the development of information
5 technology solutions and the creation and acquisition of
6 innovative tools to implement updates, improvements, and
7 modernization needed to enhance efforts to combat online
8 child exploitation in order to ensure that consistent, ac-
9 tionable information is provided to law enforcement agen-
10 cies, including Internet Crimes Against Children (com-
11 monly known as ‘ICAC’) task forces.

12 “(b) CONSULTATION WITH PARTNERS.—In devel-
13 oping the information technology solutions under sub-
14 section (a), the Administrator shall solicit input from all
15 partners in the effort to combat online child exploitation,
16 including the Center, ICAC task forces, the Federal Bu-
17 reau of Investigation, the Department of Homeland Secu-
18 rity, U.S. Immigration and Customs Enforcement, Home-
19 land Security Investigations, and the United States Mar-
20 shals Service.

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

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

4 **SEC. 11. SEVERABILITY.**

5 If any provision of this Act or any amendment made
6 by this Act, or any application of such provision or amend-
7 ment to any person or circumstance, is held to be uncon-
8 stitutional, the remainder of the provisions of this Act and
9 the amendments made by this Act, and the application of
10 the provision or amendment to any other person or cir-
11 cumstance, shall not be affected.