

116TH CONGRESS  
2D SESSION

# S. 3398

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

MARCH 5, 2020

Mr. GRAHAM (for himself, Mr. BLUMENTHAL, Mr. CRAMER, Mrs. FEINSTEIN,  
Mr. HAWLEY, Mr. JONES, Mr. CASEY, Mr. WHITEHOUSE, Mr. DURBIN,  
and Ms. ERNST) 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 2020” or the “EARN IT Act of 2020”.

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 constitutional law, consumer  
18    protection, 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

that is unrelated to each other interactive computer service represented under this subparagraph, representing diverse types of businesses and areas of professional expertise, of whom—

(i) 2 shall have current experience in addressing online child sexual exploitation and promoting child safety at an interactive computer service with not less than 30,000,000 registered monthly users in the United States; and

(ii) 2 shall have current experience in addressing online child sexual exploitation and promoting child safety at an interactive computer service with less than 10,000,000 registered monthly users in the United States.

(3) DATE.—The initial appointments of members to the Commission under paragraph (1)(C) shall be made not later than 90 days after the date of enactment of this Act.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

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

(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 the transmission and storage  
5 of information on behalf of other  
6 interactive computer services; or

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

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

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

1           ices or other factors relevant to the pur-  
2           poses of this Act.

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

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

11                (A) preventing, identifying, disrupting, and  
12                reporting child sexual exploitation;

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

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

20                (D) receiving and triaging reports of child  
21                sexual exploitation by users of interactive com-  
22                puter services, including self-reporting;

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

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

5 (G) preparing and issuing transparency re-  
6 ports, including disclosures in terms of service,  
7 relating to identifying, categorizing, and report-  
8 ing child sexual exploitation and efforts to pre-  
9 vent and disrupt online child sexual exploi-  
10 tation;

11 (H) coordinating with voluntary initiatives  
12 offered among and to providers of interactive  
13 computer services relating to identifying, cat-  
14 egorizing, and reporting child sexual exploi-  
15 tation;

16 (I) employing age rating and age gating  
17 systems to reduce child sexual exploitation;

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

22 (K) contractual and operational practices  
23 to ensure third parties, contractors, and affili-  
24 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           (6) RESUBMISSION AFTER DENIAL OR FAILURE  
17      TO APPROVE.—

18                   (A) IN GENERAL.—If, with respect to rec-  
19      ommended best practices submitted under para-  
20      graph (1), the best practices are denied under  
21      subsection (b)(1)(A) or a bill that contains the  
22      best practices is not enacted under the expe-  
23      dited procedures under subsection (c), the Com-  
24      mission may resubmit recommended best prac-

1 tices to the Attorney General until the applica-  
 2 ble deadline.

3 (B) APPLICABLE DEADLINE.—

4 (i) INITIAL BEST PRACTICES.—For  
 5 purposes of subparagraph (A), in the case  
 6 of resubmission of initial recommended  
 7 best practices that were submitted under  
 8 paragraph (1) before any bill that contains  
 9 best practices has been enacted under the  
 10 expedited procedures under subsection (c),  
 11 the applicable deadline is the later of—

12 (I) the deadline described in  
 13 paragraph (1)(A) of this subsection;  
 14 or

15 (II) the date that is 60 days  
 16 after, as applicable—

17 (aa) the date of the denial;

18 or

19 (bb) the last day on which a  
 20 bill containing the best practices  
 21 could have been enacted under  
 22 the expedited procedures under  
 23 subsection (c).

24 (ii) UPDATED BEST PRACTICES.—For  
 25 purposes of subparagraph (A), in the case

1 of resubmission of updated recommended  
 2 best practices that were submitted under  
 3 paragraph (1) in accordance with para-  
 4 graph (5), the applicable deadline is the  
 5 later of—

6 (I) the deadline described in  
 7 paragraph (5); or

8 (II) the date that is 60 days  
 9 after, as applicable—

10 (aa) the date of the denial;

11 or

12 (bb) the last day on which a  
 13 bill containing the best practices  
 14 could have been enacted under  
 15 the expedited procedures under  
 16 subsection (c).

17 (b) PUBLICATION OF BEST PRACTICES.—

18 (1) IN GENERAL.—Not later than 30 days after  
 19 the date on which the Commission submits rec-  
 20 ommended best practices under subsection (a), in-  
 21 cluding updated recommended best practices under  
 22 paragraph (5) of that subsection, the Attorney Gen-  
 23 eral, upon agreement with the Secretary of Home-  
 24 land Security and the Chairman of the Federal  
 25 Trade Commission, shall—



1 (A) approve or deny the recommended best  
2 practices; and

3 (B) if approved—

4 (i) publish the recommended best  
5 practices on the website of the Department  
6 of Justice and in the Federal Register; and

7 (ii) submit the recommended best  
8 practices to Congress, including to—

9 (I) the Committee on the Judici-  
10 ary and the Committee on Commerce,  
11 Science, and Transportation of the  
12 Senate; and

13 (II) the Committee on the Judici-  
14 ary and the Committee on Energy and  
15 Commerce of the House of Represent-  
16 atives.

17 (2) CONSIDERATIONS.—In determining whether  
18 to approve or deny recommended best practices  
19 under paragraph (1), the Attorney General shall  
20 consider—

21 (A) the purpose of the Commission, as set  
22 forth in section 3(b); and

23 (B) the relevant considerations set forth in  
24 subsection (a)(4) of this section.

1           (3) WRITTEN FINDINGS.—Any denial of the  
2       recommended best practices by the Attorney General  
3       under paragraph (1) shall be accompanied by public  
4       written findings setting forth the basis for, and rea-  
5       sons supporting, the denial.

6       (c) CONGRESSIONAL APPROVAL.—

7           (1) DEFINITION.—In this subsection, the term  
8       “covered bill” means a bill that—

9           (A) contains only the recommended best  
10       practices that have been submitted to Congress  
11       under subsection (b), in their entirety; and

12          (B) is introduced under paragraph (3) of  
13       this subsection.

14       (2) RULES OF HOUSE OF REPRESENTATIVES  
15       AND SENATE.—This subsection is enacted by Con-  
16       gress—

17          (A) as an exercise of the rulemaking power  
18       of the Senate and the House of Representa-  
19       tives, respectively, and as such is deemed a part  
20       of the rules of each House, respectively, but ap-  
21       plicable only with respect to the procedure to be  
22       followed in that House in the case of a covered  
23       bill, and it supersedes other rules only to the  
24       extent that it is inconsistent with such rules;  
25       and

1 (B) with full recognition of the constitu-  
 2 tional right of either House to change the rules  
 3 (so far as relating to the procedure of that  
 4 House) in the same manner, and to the same  
 5 extent, as in the case of any other rule of that  
 6 House.

7 (3) INTRODUCTION.—

8 (A) IN GENERAL.—On the day on which  
 9 recommended best practices are submitted to  
 10 Congress under subsection (b), a covered bill  
 11 containing those best practices shall be intro-  
 12 duced—

13 (i) in the Senate by—

14 (I) the majority leader of the  
 15 Senate, for himself or herself and the  
 16 minority leader of the Senate; or

17 (II) Members of the Senate des-  
 18 ignated by the majority leader and  
 19 minority leader of the Senate; and

20 (ii) in the House of Representatives  
 21 by—

22 (I) the majority leader of the  
 23 House of Representatives, for himself  
 24 or herself and the minority leader of

1 the House of the House of Represent-  
2 atives; or

3 (II) Members of the House of  
4 Representatives designated by the ma-  
5 jority leader and minority leader of  
6 the House of the House of Represent-  
7 atives.

8 (B) NOT IN SESSION.—If either House is  
9 not in session on the day on which rec-  
10 ommended best practices are submitted to Con-  
11 gress under subsection (b), a covered bill con-  
12 taining the best practices shall be introduced in  
13 that House, as provided in subparagraph (A),  
14 on the first day thereafter on which that House  
15 is in session.

16 (C) REFERRAL.—A covered bill introduced  
17 under this paragraph shall be referred by the  
18 Presiding Officers of the respective Houses to  
19 the appropriate committee, or, in the case of a  
20 bill containing provisions within the jurisdiction  
21 of 2 or more committees, jointly to such com-  
22 mittees for consideration of those provisions  
23 within their respective jurisdictions.

24 (4) FAST TRACK CONSIDERATION IN HOUSE OF  
25 REPRESENTATIVES.—

1           (A) REPORTING AND DISCHARGE.—Any  
2           committee of the House of Representatives to  
3           which a covered bill is referred shall report it  
4           to the House not later than 45 calendar days  
5           after the date of introduction under paragraph  
6           (3). If a committee fails to report the covered  
7           bill within that period, the committee shall be  
8           discharged from further consideration of the  
9           covered bill and the covered bill shall be re-  
10          ferred to the appropriate calendar.

11          (B) PROCEEDING TO CONSIDERATION.—  
12          After each committee authorized to consider a  
13          covered bill reports it to the House or has been  
14          discharged from its consideration, it shall be in  
15          order, not later than 60 calendar days after the  
16          date of introduction under paragraph (3), to  
17          move to proceed to consider the covered bill in  
18          the House. All points of order against the mo-  
19          tion are waived. Such a motion shall not be in  
20          order after the House has disposed of a motion  
21          to proceed on the covered bill. The previous  
22          question shall be considered as ordered on the  
23          motion to its adoption without intervening mo-  
24          tion. The motion shall not be debatable. A mo-

tion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The covered bill shall be considered as read. All points of order against the covered bill and against its consideration are waived. The previous question shall be considered as ordered on the covered bill to its passage without intervening motion except 10 hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the covered bill shall not be in order.

(5) FAST TRACK CONSIDERATION IN SENATE.—

(A) REPORTING AND DISCHARGE.—Any committee of the Senate to which a covered bill is referred shall report it to the Senate not later than 45 calendar days after the date of introduction under paragraph (3). If a committee fails to report the covered bill within that period, the committee shall be discharged from further consideration of the covered bill and the covered bill shall be referred to the appropriate calendar.

(B) PLACEMENT ON CALENDAR.—After each committee authorized to consider a cov-

1           ered bill reports it to the Senate or has been  
2           discharged from its consideration, it shall be in  
3           order, not later than 60 calendar days after the  
4           date of introduction under paragraph (3) of this  
5           subsection, to place the covered bill on the cal-  
6           endar.

7           (C) FLOOR CONSIDERATION.—

8           (i) IN GENERAL.—Notwithstanding  
9           Rule XXII of the Standing Rules of the  
10          Senate, it is in order at any time during  
11          the period beginning on the 60th day after  
12          the date on which the covered bill was in-  
13          troduced under paragraph (3) and ending  
14          on the 65th day after the date on which  
15          the covered bill was introduced under that  
16          paragraph (even though a previous motion  
17          to the same effect has been disagreed to)  
18          to move to proceed to the consideration of  
19          the covered bill, and all points of order  
20          against the covered bill (and against con-  
21          sideration of the covered bill) are waived.  
22          The motion to proceed is not debatable.  
23          The motion is not subject to a motion to  
24          postpone. A motion to reconsider the vote  
25          by which the motion is agreed to or dis-

1 agreed to shall not be in order. If a motion  
2 to proceed to the consideration of the cov-  
3 ered bill is agreed to, the covered bill shall  
4 remain the unfinished business until dis-  
5 posed of.

6 (ii) DEBATE.—Debate on the covered  
7 bill, and on all debatable motions and ap-  
8 peals in connection therewith, shall be lim-  
9 ited to not more than 10 hours, which  
10 shall be divided equally between the major-  
11 ity and minority leaders or their designees.  
12 A motion further to limit debate is in order  
13 and not debatable. An amendment to, or a  
14 motion to postpone, or a motion to proceed  
15 to the consideration of other business, or a  
16 motion to recommit the covered bill is not  
17 in order.

18 (iii) VOTE ON PASSAGE.—The vote on  
19 passage shall occur immediately following  
20 the conclusion of the debate on a covered  
21 bill, and a single quorum call at the con-  
22 clusion of the debate if requested in ac-  
23 cordance with the rules of the Senate.

24 (iv) RULINGS OF THE CHAIR ON PRO-  
25 CEDURE.—Appeals from the decisions of



1 the Chair relating to the application of the  
 2 rules of the Senate, as the case may be, to  
 3 the procedure relating to a covered bill  
 4 shall be decided without debate.

5 (6) RULES RELATING TO SENATE AND HOUSE  
 6 OF REPRESENTATIVES.—

7 (A) COORDINATION WITH ACTION BY  
 8 OTHER HOUSE.—If, before the passage by one  
 9 House of a covered bill of that House, that  
 10 House receives from the other House a covered  
 11 bill, then the following procedures shall apply:

12 (i) The covered bill of the other House  
 13 shall not be referred to a committee.

14 (ii) With respect to a covered bill of  
 15 the House receiving the bill—

16 (I) the procedure in that House  
 17 shall be the same as if no covered bill  
 18 had been received from the other  
 19 House; but

20 (II) the vote on passage shall be  
 21 on the covered bill of the other House.

22 (B) TREATMENT OF COVERED BILL OF  
 23 OTHER HOUSE.—If one House fails to introduce  
 24 or consider a covered bill under this section, the

1 covered bill of the other House shall be entitled  
2 to expedited floor procedures under this section.

3 (C) TREATMENT OF COMPANION MEAS-  
4 URES.—If, following passage of the covered bill  
5 in the Senate, the Senate then receives the com-  
6 panion measure from the House of Representa-  
7 tives, the companion measure shall not be de-  
8 batable.

9 (d) CERTIFICATION OF BEST PRACTICES.—Not later  
10 than 1 year after the date on which a bill that contains  
11 recommended best practices submitted to Congress under  
12 subsection (b) is enacted under the expedited procedures  
13 under subsection (c), and annually thereafter, an officer  
14 of a provider of an interactive computer service may sub-  
15 mit a written certification to the Attorney General stating  
16 that the provider—

17 (1) has conducted a thorough review of the im-  
18 plementation and operation of the best practices;  
19 and

20 (2) has a reasonable basis to conclude that re-  
21 view does not reveal any material non-compliance  
22 with the requirements of the best practices.

23 (e) PUBLICATION OF CERTIFIED INTERACTIVE COM-  
24 PUTER SERVICE PROVIDERS.—The Attorney General shall  
25 maintain on the website of the Department of Justice a

1 public list of each provider of an interactive computer serv-  
2 ice for which a certification has been submitted under sub-  
3 section (d).

4 (f) CIVIL INVESTIGATIVE DEMANDS.—

5 (1) ISSUANCE; SERVICE; PRODUCTION OF MATE-  
6 RIAL; TESTIMONY.—

7 (A) IN GENERAL.—Whenever the Attorney  
8 General has reason to believe that an officer of  
9 a provider of an interactive computer service  
10 has filed a false certification under subsection  
11 (d), the Attorney General may issue in writing,  
12 and cause to be served upon the provider, a  
13 civil investigative demand requiring the provider  
14 to—

15 (i) produce any documentary material  
16 relevant to such certification for inspection  
17 and copying;

18 (ii) answer in writing written interroga-  
19 tories with respect to such documentary  
20 material;

21 (iii) give oral testimony concerning  
22 such documentary material; or

23 (iv) furnish any combination of such  
24 material, answers, or testimony.

(B) SERVICE.—If a civil investigative demand issued under subparagraph (A) is an express demand for any product of discovery, the Attorney General shall—

(i) cause to be served, in any manner authorized under section 3733 of title 31, United States Code, a copy of the demand upon the person from whom the discovery was obtained; and

(ii) notify the person to whom the demand is issued of the date on which the copy was served.

(2) CONTENTS; RETURN DATE FOR DEMAND FOR PRODUCT OF DISCOVERY.—

(A) IN GENERAL.—Each civil investigative demand issued under paragraph (1) shall—

(i) state the nature of the Attorney General's belief that a false certification has been filed under subsection (d);

(ii) if the demand is for production of documentary material—

(I) describe the class or classes of documentary material to be produced thereunder with such definiteness and

1                   certainty as to permit such material  
2                   to be fairly identified;

3                   (II) prescribe a return date or  
4                   dates that will provide a reasonable  
5                   period of time within which the mate-  
6                   rial so demanded may be assembled  
7                   and made available for inspection and  
8                   copying; and

9                   (III) identify the custodian to  
10                  whom the material shall be made  
11                  available;

12                  (iii) if the demand is for answers to  
13                  written interrogatories—

14                  (I) propound with definiteness  
15                  and certainty the written interro-  
16                  gatories to be answered;

17                  (II) prescribe a date or dates at  
18                  which time answers to written inter-  
19                  rogatories shall be submitted; and

20                  (III) identify the custodian to  
21                  whom the answers shall be submitted;  
22                  and

23                  (iv) if the demand is for the giving of  
24                  oral testimony—

1 (I) prescribe a date, time, and  
 2 place at which oral testimony shall be  
 3 commenced; and

4 (II) identify—

5 (aa) an investigator who  
 6 shall conduct the examination;  
 7 and

8 (bb) the custodian to whom  
 9 the transcript of the examination  
 10 shall be submitted.

11 (B) RETURN DATE FOR PRODUCT OF DIS-  
 12 COVERY.—Any civil investigative demand issued  
 13 under paragraph (1) that is an express demand  
 14 for any product of discovery shall not be re-  
 15 turned or returnable until 20 days after a copy  
 16 of the demand has been served upon the person  
 17 from whom the discovery was obtained.

18 (3) APPLICABILITY OF OTHER PROVISIONS.—

19 (A) IN GENERAL.—Subject to subpara-  
 20 graph (B), subsections (b) through (l) of sec-  
 21 tion 3733 of title 31, United States Code, shall  
 22 apply with respect to a civil investigative de-  
 23 mand issued under paragraph (1) of this sub-  
 24 section in the same manner as those sub-  
 25 sections apply to a civil investigative demand

1 issued under subsection (a) of such section  
2 3733.

3 (B) FALSE CLAIMS REFERENCES.—For  
4 purposes of subparagraph (A), a reference in  
5 section 3733 of title 31, United States Code,  
6 to—

7 (i) a violation of a false claims law  
8 shall be deemed to be a reference to the fil-  
9 ing of a false certification under subsection  
10 (d) of this section;

11 (ii) a false claims law investigation  
12 shall be deemed to be a reference to an in-  
13 quiry into whether any person is or has  
14 been engaged in filing a false certification  
15 under subsection (d) of this section; and

16 (iii) a false claims law investigator  
17 shall be deemed to be a reference to—

18 (I) any attorney or investigator  
19 employed by the Department of Jus-  
20 tice who is charged with the duty of  
21 enforcing or carrying into effect this  
22 section; or

23 (II) any officer or employee of  
24 the United States acting under the di-  
25 rection and supervision of an attorney

1 or investigator described in subclause  
 2 (I) in connection with an inquiry into  
 3 whether any person is or has been en-  
 4 gaged in filing a false certification  
 5 under subsection (d) of this section.

6 **SEC. 5. ENFORCEMENT.**

7 (a) OFFENSE.—It shall be unlawful for an officer of  
 8 a provider of an interactive computer service to knowingly  
 9 submit a written certification under section 4(d) that con-  
 10 tains a false statement.

11 (b) CRIMINAL PENALTIES.—Any person who violates  
 12 subsection (a) shall be fined in accordance with title 18,  
 13 United States Code, imprisoned for not more than 2 years,  
 14 or both.

15 **SEC. 6. EARNING IMMUNITY.**

16 (a) IN GENERAL.—Section 230(e) of the Commu-  
 17 nications Act of 1934 (47 U.S.C. 230(e)) is amended by  
 18 adding at the end the following:

19 “(6) NO EFFECT ON CHILD SEXUAL EXPLOI-  
 20 TATION LAW.—

21 “(A) LIABILITY OF PROVIDERS OF INTER-  
 22 ACTIVE COMPUTER SERVICE.—Nothing in this  
 23 section (other than subsection (c)(2)(A)) shall  
 24 be construed to impair or limit—



1           “(i) any claim in a civil action  
2 brought against a provider of an inter-  
3 active computer service under section 2255  
4 of title 18, United States Code, if the con-  
5 duct underlying the claim—

6                   “(I) constitutes a violation of sec-  
7 tion 2252 or section 2252A of that  
8 title; or

9                   “(II) is considered a violation of  
10 section 2252 or section 2252A of that  
11 title by operation of subsection (a)(2)  
12 of such section 2255;

13           “(ii) any charge in a criminal prosecu-  
14 tion brought against a provider of an inter-  
15 active computer service under State law if  
16 the conduct underlying the charge would  
17 constitute a violation of section 2252 or  
18 section 2252A of title 18, United States  
19 Code; or

20           “(iii) any claim in a civil action  
21 brought against a provider of an inter-  
22 active computer service under State law if  
23 the conduct underlying the claim—

1 “(I) would constitute a violation  
2 of section 2252 or section 2252A of  
3 title 18, United States Code; or

4 “(II) would be considered a viola-  
5 tion of section 2252 or section 2252A  
6 of title 18, United States Code, for  
7 purposes of subsection (a)(1) of sec-  
8 tion 2255 of that title, by operation of  
9 subsection (a)(2) of such section  
10 2255.

11 “(B) SAFE HARBOR.—Subparagraph (A)  
12 shall not apply to a claim in a civil action or  
13 charge in a State criminal prosecution brought  
14 against a provider of an interactive computer  
15 service if—

16 “(i) an officer of the provider has  
17 elected to certify to the Attorney General  
18 under section 4(d) of the Eliminating Abus-  
19 sive and Rampant Neglect of Interactive  
20 Technologies Act of 2020 that the provider  
21 has implemented, and is in compliance  
22 with, the child sexual exploitation preven-  
23 tion best practices contained in a law en-  
24 acted under the expedited procedures  
25 under section 4(c) of such Act and such

certification was in force at the time of any alleged acts or omissions that are the subject of a claim in a civil action or charge in a State criminal prosecution brought against such provider; or

“(ii) the provider has implemented reasonable measures relating to the matters described in section 4(a)(3) of the Eliminating Abusive and Rampant Neglect of Interactive Technologies Act of 2020, subject to the exceptions authorized under section 4(a)(1)(B)(ii) of that Act, to prevent the use of the interactive computer service for the exploitation of minors.”.

(b) MENS REA FOR CIVIL SUITS.—Section 2255 of title 18, United States Code, is amended—

(1) by redesignating subsection (a) as paragraph (1) and adjusting the margin accordingly;

(2) by inserting before paragraph (1), as so designated, the following:

“(a) RIGHT OF ACTION.—”; and

(3) in subsection (a), as so designated, by adding at the end the following:

“(2) CIVIL REMEDY FOR CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL

1 EXPLOITATION OF MINORS.—Conduct by a provider  
 2 of an interactive computer service (as defined in sec-  
 3 tion 230 of the Communications Act of 1934 (47  
 4 U.S.C. 230)) that would violate section 2252 or sec-  
 5 tion 2252A if that section were applied by sub-  
 6 stituting ‘recklessly’ for ‘knowingly’ each place that  
 7 term appears shall be considered a violation of sec-  
 8 tion 2252 or section 2252A for purposes of para-  
 9 graph (1) of this subsection.”.

10 (c) EFFECTIVE DATE.—The amendments made by  
 11 this section shall—

12 (1) take effect on the earlier of—

13 (A) the date that is 1 year after the date  
 14 on which a bill that contains best practices sub-  
 15 mitted under section 4(b) is enacted under the  
 16 expedited procedures under section 4(c); or

17 (B) the date that is 4 years after the date  
 18 of enactment of this Act; and

19 (2) only apply to a claim in a civil action or  
 20 charge in a criminal prosecution brought against a  
 21 provider of an interactive computer service if the al-  
 22 leged acts or omissions occurred after the effective  
 23 date described in paragraph (1).

1 **SEC. 7. USE OF TERM “CHILD SEXUAL ABUSE MATERIAL”.**

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

7 (b) AMENDMENTS.—

8 (1) TITLE 5, UNITED STATES CODE.—Chapter  
 9 65 of title 5, United States Code, is amended—

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

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

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

19 (A) in section 307(b)(3)(D) (6 U.S.C.  
 20 187(b)(3)(D)), by striking “child pornography”  
 21 and inserting “child sexual abuse material”;  
 22 and

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

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

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

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

9                   (4) SMALL BUSINESS JOBS ACT OF 2010.—Sec-  
10                  tion 3011(c) of the Small Business Jobs Act of 2010  
11                  (12 U.S.C. 5710(c)) is amended by striking “child  
12                  pornography” and inserting “child sexual abuse ma-  
13                  terial”.

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

19                  (6) CAN-SPAM ACT OF 2003.—Section  
20                  4(b)(2)(B) of the CAN-SPAM Act of 2003 (15  
21                  U.S.C. 7703(b)(2)(B)) is amended by striking “child  
22                  pornography” and inserting “child sexual abuse ma-  
23                  terial”.

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

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

5 (B) in chapter 110—

6 (i) in section 2251(e), by striking  
 7 “child pornography” and inserting “child  
 8 sexual abuse material”;

9 (ii) in section 2252(b)—

10 (I) in paragraph (1), by striking  
 11 “child pornography” and inserting  
 12 “child sexual abuse material”; and

13 (II) in paragraph (2), by striking  
 14 “child pornography” and inserting  
 15 “child sexual abuse material”;

16 (iii) in section 2252A—

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

21 (II) in subsection (a)—

22 (aa) in paragraph (1), by  
 23 striking “child pornography” and  
 24 inserting “child sexual abuse ma-  
 25 terial”;

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



1 “child sexual abuse mate-  
2 rial”;

3 (ee) in paragraph (5)—

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

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

14 (ff) in paragraph (7)—

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

19 (BB) by striking the  
20 period at the end and insert-  
21 ing a comma;

22 (III) in subsection (b)—

23 (aa) in paragraph (1), by  
24 striking “child pornography” and

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

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

8 (IV) in subsection (c)—

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

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

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

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

1 (VI) in subsection (e), by striking  
 2 “child pornography” each place the  
 3 term appears and inserting “child sexual  
 4 abuse material”;

5 (iv) in section 2256(8)—

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

9 (II) by striking the period at the  
 10 end and inserting a semicolon;

11 (v) in section 2257A(h)—

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

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

18 (vi) in section 2258A—

19 (I) in subsection (a)(2)—

20 (aa) in subparagraph (A),  
 21 by striking “child pornography”  
 22 and inserting “child sexual abuse  
 23 material”; and

24 (bb) in subparagraph (B),  
 25 by striking “child pornography”

1 and inserting “child sexual abuse  
2 material”;

3 (II) in subsection (b)—

4 (aa) in paragraph (4)—

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

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

14 (bb) in paragraph (5), by  
15 striking “child pornography” and  
16 inserting “child sexual abuse ma-  
17 terial”; and

18 (III) in subsection (g)(2)(B), by  
19 striking “child pornography” and in-  
20 serting “child sexual abuse material”;  
21 (vii) in section 2258C—

22 (I) in the section heading, by  
23 striking “**child pornography**”  
24 and inserting “**child sexual abuse**  
25 **material**”;

1 (II) in subsection (a)—

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

6 (bb) in paragraph (3), by  
7 striking “child pornography” and  
8 inserting “child sexual abuse ma-  
9 terial”;

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

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

18 (viii) in section 2259—

19 (I) in paragraph (b)(2)—

20 (aa) in the paragraph head-  
21 ing, by striking “CHILD PORNOG-  
22 RAPHY” and inserting “CHILD  
23 SEXUAL ABUSE MATERIAL”;

24 (bb) in the matter preceding  
25 subparagraph (A), by striking

1 “child pornography” and insert-  
2 ing “child sexual abuse mate-  
3 rial”; and

4 (cc) in subparagraph (A), by  
5 striking “child pornography” and  
6 inserting “child sexual abuse ma-  
7 terial”;

8 (II) in subsection (c)—

9 (aa) in paragraph (1)—

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

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

20 (bb) in paragraph (2), in the  
21 matter preceding subparagraph  
22 (A), by striking “child pornog-  
23 raphy” each place the term ap-  
24 pears and inserting “child sexual  
25 abuse material”; and

1 (cc) in paragraph (3)—

2 (AA) in the paragraph  
3 heading, by striking “CHILD  
4 PORNOGRAPHY” and insert-  
5 ing “CHILD SEXUAL ABUSE  
6 MATERIAL”; and

7 (BB) by striking “child  
8 pornography” and inserting  
9 “child sexual abuse mate-  
10 rial”; and

11 (III) in subsection (d)(1)—

12 (aa) in subparagraph (A)—

13 (AA) by striking “child  
14 pornography” each place the  
15 term appears and inserting  
16 “child sexual abuse mate-  
17 rial”; and

18 (BB) by striking “Child  
19 Pornography” and inserting  
20 “Child Sexual Abuse Mate-  
21 rial”;

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

1 (cc) in subparagraph (C)—

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

6 (BB) by striking “Child  
7 Pornography” and inserting  
8 “Child Sexual Abuse Mate-  
9 rial”;

10 (ix) in section 2259A—

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

15 (II) in subsection (a)—

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

20 (bb) in paragraph (3), by  
21 striking “child pornography” and  
22 inserting “child sexual abuse ma-  
23 terial”; and

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



1           serting “child sexual abuse material”;  
 2           and  
 3           (x) in section 2259B—

4                 (I) in the section heading, by  
 5           striking **“Child pornography”**  
 6           and inserting **“Child sexual**  
 7           **abuse material”**;

8                 (II) in subsection (a), by striking  
 9           “Child Pornography” each place the  
 10          term appears and inserting “Child  
 11          Sexual Abuse Material”;

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

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

19                (V) in subsection (d), by striking  
 20          “Child Pornography” and inserting  
 21          “Child Sexual Abuse Material”;

22           (C) in chapter 117—

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

1 (ii) in section 2427—

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

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

9 (D) in section 2516—

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

13 (ii) in paragraph (2), by striking  
14 “child pornography” and inserting “child  
15 sexual abuse material”;

16 (E) in section 3014(h)(3), by striking  
17 “child pornography” and inserting “child sexual  
18 abuse material”;

19 (F) in section 3509—

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

23 (ii) in subsection (m)—

24 (I) in the subsection heading, by  
25 striking “CHILD PORNOGRAPHY” and

1 inserting “CHILD SEXUAL ABUSE  
2 MATERIAL”;

3 (II) in paragraph (1), by striking  
4 “child pornography” and inserting  
5 “constitutes a child sexual abuse ma-  
6 terial”;

7 (III) in paragraph (2), by strik-  
8 ing “child pornography” and inserting  
9 “constitutes a child sexual abuse ma-  
10 terial”; and

11 (IV) in paragraph (3), by strik-  
12 ing “child pornography” each place  
13 the term appears and inserting “child  
14 sexual abuse material”; and

15 (G) in section 3632(d)(4)(D)(xlii), by  
16 striking “child pornography” and inserting  
17 “child sexual abuse material”.

18 (8) TARIFF ACT OF 1930.—Section  
19 583(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C.  
20 1583(a)(2)(B)) is amended by striking “child por-  
21 nography” and inserting “child sexual abuse mate-  
22 rial”.

23 (9) ELEMENTARY AND SECONDARY EDUCATION  
24 ACT OF 1965.—Section 4121 of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C. 7131)  
 2 is amended—

3 (A) in subsection (a)—

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

7 (ii) in paragraph (2)(A)(ii), by strik-  
 8 ing “child pornography” and inserting  
 9 “child sexual abuse material”; and

10 (B) in subsection (e)(5)—

11 (i) in the paragraph heading, by strik-  
 12 ing “CHILD PORNOGRAPHY” and inserting  
 13 “CHILD SEXUAL ABUSE MATERIAL”; and

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

17 (10) MUSEUM AND LIBRARY SERVICES ACT.—

18 Section 224(f) of the Museum and Library Services  
 19 Act (20 U.S.C. 9134(f)) is amended—

20 (A) in paragraph (1)—

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

(ii) in subparagraph (B)(i)(II), by striking “child pornography” and inserting “child sexual abuse material”; and  
(B) in paragraph (7)(A)—

(i) in the subparagraph heading, by striking “CHILD PORNOGRAPHY” and inserting “CHILD SEXUAL ABUSE MATERIAL”; and

(ii) by striking “child pornography” and inserting “child sexual abuse material”.

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

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

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

1 (B) in clause (ii), by striking “child por-  
 2 nography” and inserting “child sexual abuse  
 3 material”.

4 (13) VICTIMS OF CRIME ACT OF 1984.—Section  
 5 1402(d)(6)(A) of the Victims of Crime Act of 1984  
 6 (34 U.S.C. 20101(d)(6)(A)) is amended by striking  
 7 “Child Pornography” and inserting “Child Sexual  
 8 Abuse Material”.

9 (14) VICTIMS OF CHILD ABUSE ACT OF 1990.—  
 10 The Victims of Child Abuse Act of 1990 (34 U.S.C.  
 11 20301 et seq.) is amended—

12 (A) in section 212(4) (34 U.S.C.  
 13 20302(4)), by striking “child pornography” and  
 14 inserting “child sexual abuse material”;

15 (B) in section 214(b) (34 U.S.C.  
 16 20304(b))—

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

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

23 (C) in section 226(c)(6) (34 U.S.C.  
 24 20341(c)(6)), by striking “child pornography”  
 25 and inserting “child sexual abuse material”.

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

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

8                   (B) in paragraph (7)(G), by striking “child  
9           pornography” and inserting “child sexual abuse  
10          material”.

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

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

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

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

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

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

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

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

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

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

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

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



1 (i) in subsection (a)(1)—

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

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

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

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

19 (i) in paragraph (5)—

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

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

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

3 (ii) in paragraph (6)—

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

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

12 (iii) in paragraph (7)(F)—

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

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

20 (c) TABLE OF SECTIONS AMENDMENTS.—

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

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

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

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

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

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

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

5 and

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

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

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

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

12 **SEC. 8. MODERNIZING THE CYBERTIPLINE.**

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

15 (1) in section 2258A—

16 (A) in subsection (a)—

17 (i) in paragraph (1)(B)(ii), by insert-  
18 ing after “facts or circumstances” the fol-  
19 lowing: “, including any available facts or

circumstances sufficient to identify and locate each minor and each involved individual,”; and

(ii) in paragraph (2)(A)—

(I) by inserting “1591 (if the violation involves a minor),” before “2251,”; and

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

(B) in subsection (b)—

(i) in paragraph (1)—

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

(II) by striking “other identifying information,” and inserting “other information which may identify or locate the involved individual,”;

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

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

“(2) INFORMATION ABOUT THE INVOLVED MINOR.—Information relating to the identity or location of any involved minor, which may, to the extent

1 reasonably practicable, include the electronic mail  
 2 address, Internet Protocol address, uniform resource  
 3 locator, or any other information which may identify  
 4 or locate any involved minor, including self-reported  
 5 identifying information.”; and

6 (iv) by adding at the end the fol-  
 7 lowing:

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

14 (C) in subsection (d)(5)(B)—

15 (i) in clause (i), by striking “for-  
 16 warded” and inserting “made available”;  
 17 and

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

20 (2) in section 2258B(a)—

21 (A) by striking “arising from the perform-  
 22 ance” and inserting the following: “, may not  
 23 be brought in any Federal or State court if the  
 24 claim or charge arises from—

25 “(1) the performance”;

1 (B) in paragraph (1), as so designated, by  
 2 striking “may not be brought in any Federal or  
 3 State court.” and inserting a semicolon; and

4 (C) by adding at the end the following:

5 “(2) compliance with a search warrant, court  
 6 order, or other legal process; or

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

11 “(A) improving or facilitating reporting  
 12 under this section, section 2258A, or section  
 13 2258C; or

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

16 (3) in section 2258C—

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 **SEC. 9. RULE OF CONSTRUCTION.**

5           Nothing in this Act or the amendments made by this  
6 Act shall be construed to require a provider of an inter-  
7 active computer service to search, screen, or scan for in-  
8 stances of online child sexual exploitation.

9 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

12 **SEC. 11. SEVERABILITY.**

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

○