

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 1829

To combat the sexual exploitation of children by supporting victims and promoting accountability and transparency by the tech industry.

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. HAWLEY (for himself and Mr.
DURBIN)

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 “Strengthening Trans-
5 parency and Obligations to Protect Children Suffering
6 from Abuse and Mistreatment Act of 2025” or the “STOP
7 CSAM Act of 2025”.

8 **SEC. 2. PROTECTING CHILD VICTIMS AND WITNESSES IN**
9 **FEDERAL COURT.**

10 (a) IN GENERAL.—Section 3509 of title 18, United
11 States Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2)(A), by striking “or
3 exploitation” and inserting “exploitation, or
4 kidnapping, including international parental
5 kidnapping”;

6 (B) in paragraph (3), by striking “physical
7 or mental injury” and inserting “physical in-
8 jury, psychological abuse”;

9 (C) by striking paragraphs (5), (6), and
10 (7) and inserting the following:

11 “(5) the term ‘psychological abuse’ includes—

12 “(A) a pattern of acts, threats of acts, or
13 coercive tactics intended to degrade, humiliate,
14 intimidate, or terrorize a child; and

15 “(B) the infliction of trauma on a child
16 through—

17 “(i) isolation;

18 “(ii) the withholding of food or other
19 necessities in order to control behavior;

20 “(iii) physical restraint; or

21 “(iv) the confinement of the child
22 without the child’s consent and in degrad-
23 ing conditions;

24 “(6) the term ‘exploitation’ means—

25 “(A) child pornography;

1 “(B) child sex trafficking; or

2 “(C) an obscene visual depiction of a child;

3 “(7) the term ‘multidisciplinary child abuse
4 team’ means a professional unit of individuals work-
5 ing together to investigate child abuse and provide
6 assistance and support to a victim of child abuse,
7 composed of representatives from—

8 “(A) health, social service, and legal serv-
9 ice agencies that represent the child;

10 “(B) law enforcement agencies and pros-
11 ecutorial offices; and

12 “(C) children’s advocacy centers;”;

13 (D) in paragraph (9)(D)—

14 (i) by striking “genitals” and insert-
15 ing “anus, genitals,”; and

16 (ii) by striking “or animal”;

17 (E) in paragraph (11), by striking “and”
18 at the end;

19 (F) in paragraph (12)—

20 (i) by striking “the term ‘child abuse’
21 does not” and inserting “the terms ‘phys-
22 ical injury’ and ‘psychological abuse’ do
23 not”; and

24 (ii) by striking the period and insert-
25 ing a semicolon; and

1 (G) by adding at the end the following:

2 “(13) the term ‘covered person’ means a person
3 of any age who—

4 “(A) is or is alleged to be—

5 “(i) a victim of a crime of physical
6 abuse, sexual abuse, exploitation, or kid-
7 napping, including international parental
8 kidnapping; or

9 “(ii) a witness to a crime committed
10 against another person; and

11 “(B) was under the age of 18 when the
12 crime described in subparagraph (A) was com-
13 mitted;

14 “(14) the term ‘protected information’, with re-
15 spect to a covered person, includes—

16 “(A) personally identifiable information of
17 the covered person, including—

18 “(i) the name of the covered person;

19 “(ii) an address;

20 “(iii) a phone number;

21 “(iv) a user name or identifying infor-
22 mation for an online, social media, or
23 email account; and

24 “(v) any information that can be used
25 to distinguish or trace the identity of the

1 covered person, either alone or when com-
2 bined with other information that is linked
3 or linkable to the covered person;

4 “(B) medical, dental, behavioral, psy-
5 chiatric, or psychological information of the cov-
6 ered person;

7 “(C) educational or juvenile justice records
8 of the covered person; and

9 “(D) any other information concerning the
10 covered person that is deemed ‘protected infor-
11 mation’ by order of the court under subsection
12 (d)(5);

13 “(15) the term ‘child pornography’ has the
14 meaning given the term in section 2256(8); and

15 “(16) the term ‘obscene visual depiction of a
16 child’ means any visual depiction prohibited by sec-
17 tion 1466A involving an identifiable minor, as that
18 term is defined in section 2256(9).”;

19 (2) in subsection (b)—

20 (A) in paragraph (1)(C), by striking
21 “minor” and inserting “child”; and

22 (B) in paragraph (2)—

23 (i) in the heading, by striking
24 “VIDEOTAPED” and inserting “RE-
25 CORDED”;

1 (ii) in subparagraph (A), by striking
2 “that the deposition be recorded and pre-
3 served on videotape” and inserting “that a
4 video recording of the deposition be made
5 and preserved”;

6 (iii) in subparagraph (B)—

7 (I) in clause (ii), by striking
8 “that the child’s deposition be taken
9 and preserved by videotape” and in-
10 serting “that a video recording of the
11 child’s deposition be made and pre-
12 served”;

13 (II) in clause (iii)—

14 (aa) in the matter preceding
15 subclause (I), by striking “video-
16 tape” and inserting “recorded”;
17 and

18 (bb) in subclause (IV), by
19 striking “videotape” and insert-
20 ing “recording”; and

21 (III) in clause (v)—

22 (aa) in the heading, by
23 striking “VIDEOTAPE” and in-
24 serting “VIDEO RECORDING”;

1 (bb) in the first sentence, by
2 striking “made and preserved on
3 video tape” and inserting “re-
4 corded and preserved”; and

5 (cc) in the second sentence,
6 by striking “videotape” and in-
7 serting “video recording”;

8 (iv) in subparagraph (C), by striking
9 “child’s videotaped” and inserting “video
10 recording of the child’s”;

11 (v) in subparagraph (D)—

12 (I) by striking “videotaping” and
13 inserting “deposition”; and

14 (II) by striking “videotaped” and
15 inserting “recorded”;

16 (vi) in subparagraph (E), by striking
17 “videotaped” and inserting “recorded”;
18 and

19 (vii) in subparagraph (F), by striking
20 “videotape” each place the term appears
21 and inserting “video recording”;

22 (3) in subsection (d)—

23 (A) in paragraph (1)(A)—

24 (i) in clause (i), by striking “the name
25 of or any other information concerning a

1 child” and inserting “a covered person’s
2 protected information”; and

3 (ii) in clause (ii)—

4 (I) by striking “documents de-
5 scribed in clause (i) or the informa-
6 tion in them that concerns a child”
7 and inserting “a covered person’s pro-
8 tected information”; and

9 (II) by striking “, have reason to
10 know such information” and inserting
11 “(including witnesses or potential wit-
12 nesses), have reason to know each
13 item of protected information to be
14 disclosed”;

15 (B) in paragraph (2)—

16 (i) by striking “the name of or any
17 other information concerning a child” each
18 place the term appears and inserting “a
19 covered person’s protected information”;

20 (ii) by redesignating subparagraphs
21 (A) and (B) as clauses (i) and (ii), respec-
22 tively, and adjusting the margins accord-
23 ingly;

24 (iii) by striking “All papers” and in-
25 serting the following:

1 “(A) IN GENERAL.—All papers”; and

2 (iv) by adding at the end the fol-
3 lowing:

4 “(B) ENFORCEMENT OF VIOLATIONS.—

5 The court may address a violation of subpara-
6 graph (A) in the same manner as disobedience
7 or resistance to a lawful court order under sec-
8 tion 401(3).”;

9 (C) in paragraph (3)—

10 (i) in subparagraph (A)—

11 (I) by striking “a child from pub-
12 lic disclosure of the name of or any
13 other information concerning the
14 child” and inserting “a covered per-
15 son’s protected information from pub-
16 lic disclosure”; and

17 (II) by striking “, if the court de-
18 termines that there is a significant
19 possibility that such disclosure would
20 be detrimental to the child”;

21 (ii) in subparagraph (B)—

22 (I) in clause (i)—

23 (aa) by striking “a child wit-
24 ness, and the testimony of any

1 other witness” and inserting
2 “any witness”; and

3 (bb) by striking “the name
4 of or any other information con-
5 cerning a child” and inserting “a
6 covered person’s protected infor-
7 mation”; and

8 (II) in clause (ii), by striking
9 “child” and inserting “covered per-
10 son”; and

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

13 “(C)(i) For purposes of this paragraph, there
14 shall be a presumption that public disclosure of a
15 covered person’s protected information would be det-
16 rimental to the covered person.

17 “(ii) The court shall deny a motion for a pro-
18 tective order under subparagraph (A) only if the
19 court finds that the party opposing the motion has
20 rebutted the presumption under clause (i) of this
21 subparagraph.”;

22 (D) in paragraph (4)—

23 (i) by striking “This subsection” and
24 inserting the following:

1 “(A) DISCLOSURE TO CERTAIN PARTIES.—

2 This subsection”;

3 (ii) in subparagraph (A), as so des-
4 ignated—

5 (I) by striking “the name of or
6 other information concerning a child”
7 and inserting “a covered person’s pro-
8 tected information”; and

9 (II) by striking “or an adult at-
10 tendant, or to” and inserting “an
11 adult attendant, a law enforcement
12 agency for any intelligence or inves-
13 tigative purpose, or”; and

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

16 “(B) REQUEST FOR PUBLIC DISCLO-
17 SURE.—If any party requests public disclosure
18 of a covered person’s protected information to
19 further a public interest, the court shall deny
20 the request unless the court finds that—

21 “(i) the party seeking disclosure has
22 established that there is a compelling pub-
23 lic interest in publicly disclosing the cov-
24 ered person’s protected information;

1 “(ii) there is a substantial probability
2 that the public interest would be harmed if
3 the covered person’s protected information
4 is not disclosed;

5 “(iii) the substantial probability of
6 harm to the public interest outweighs the
7 harm to the covered person from public
8 disclosure of the covered person’s protected
9 information; and

10 “(iv) there is no alternative to public
11 disclosure of the covered person’s protected
12 information that would adequately protect
13 the public interest.”; and

14 (E) by adding at the end the following:

15 “(5) OTHER PROTECTED INFORMATION.—The
16 court may order that information shall be considered
17 to be ‘protected information’ for purposes of this
18 subsection if the court finds that the information is
19 sufficiently personal, sensitive, or identifying that it
20 should be subject to the protections and presump-
21 tions under this subsection.”;

22 (4) by striking subsection (f) and inserting the
23 following:

24 “(f) VICTIM IMPACT STATEMENT.—

1 “(1) PROBATION OFFICER.—In preparing the
2 presentence report pursuant to rule 32(c) of the
3 Federal Rules of Criminal Procedure, the probation
4 officer shall request information from the multidisci-
5 plinary child abuse team, if applicable, or other ap-
6 propriate sources to determine the impact of the of-
7 fense on a child victim and any other children who
8 may have been affected by the offense.

9 “(2) GUARDIAN AD LITEM.—A guardian ad
10 litem appointed under subsection (h) shall—

11 “(A) make every effort to obtain and re-
12 port information that accurately expresses the
13 views of a child victim, and the views of family
14 members as appropriate, concerning the impact
15 of the offense; and

16 “(B) use forms that permit a child victim
17 to express the child’s views concerning the per-
18 sonal consequences of the offense, at a level and
19 in a form of communication commensurate with
20 the child’s age and ability.”;

21 (5) in subsection (h), by adding at the end the
22 following:

23 “(4) AUTHORIZATION OF APPROPRIATIONS.—

24 “(A) IN GENERAL.—There is authorized to
25 be appropriated to the United States courts to

1 carry out this subsection \$25,000,000 for each
2 fiscal year.

3 “(B) SUPERVISION OF PAYMENTS.—Pay-
4 ments from appropriations authorized under
5 subparagraph (A) shall be made under the su-
6 pervision of the Director of the Administrative
7 Office of the United States Courts.”;

8 (6) in subsection (i)—

9 (A) by striking “A child testifying at or at-
10 tending a judicial proceeding” and inserting the
11 following:

12 “(1) IN GENERAL.—A child testifying at a judi-
13 cial proceeding, including in a manner described in
14 subsection (b),”;

15 (B) in paragraph (1), as so designated—

16 (i) in the third sentence, by striking
17 “proceeding” and inserting “testimony”;
18 and

19 (ii) by striking the fifth sentence; and

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

21 “(2) RECORDING.—If the adult attendant is in
22 close physical proximity to or in contact with the
23 child while the child testifies—

1 “(A) at a judicial proceeding, a video re-
2 cording of the adult attendant shall be made
3 and shall become part of the court record; or

4 “(B) in a manner described in subsection
5 (b), the adult attendant shall be visible on the
6 closed-circuit television or in the recorded depo-
7 sition.

8 “(3) COVERED PERSONS ATTENDING PRO-
9 CEEDING.—A covered person shall have the right to
10 be accompanied by an adult attendant when attend-
11 ing any judicial proceeding.”;

12 (7) in subsection (j)—

13 (A) by striking “child” each place the term
14 appears and inserting “covered person”; and

15 (B) in the fourth sentence—

16 (i) by striking “and the potential”
17 and inserting “, the potential”;

18 (ii) by striking “child’s” and inserting
19 “covered person’s”; and

20 (iii) by inserting before the period at
21 the end the following: “, and the necessity
22 of the continuance to protect the defend-
23 ant’s rights”;

1 (8) in subsection (k), by striking “child” each
2 place the term appears and inserting “covered per-
3 son”;

4 (9) in subsection (l), by striking “child” each
5 place the term appears and inserting “covered per-
6 son”; and

7 (10) in subsection (m)—

8 (A) by striking “(as defined by section
9 2256 of this title)” each place it appears;

10 (B) by inserting “or an obscene visual de-
11 piction of a child” after “child pornography”
12 each place it appears except the second instance
13 in paragraph (3);

14 (C) in paragraph (1), by inserting “and
15 any civil action brought under section 2255 or
16 2255A” after “any criminal proceeding”;

17 (D) in paragraph (2), by adding at the end
18 the following:

19 “(C)(i) Notwithstanding rule 26 of the Federal
20 Rules of Civil Procedure, a court shall deny, in any
21 civil action brought under section 2255 or 2255A,
22 any request by any party to copy, photograph, dupli-
23 cate, or otherwise reproduce any property or mate-
24 rial that constitutes child pornography or an obscene
25 visual depiction of a child.

1 “(ii) In a civil action brought under section
2 2255 or 2255A, for purposes of paragraph (1), the
3 court may—

4 “(I) order the plaintiff or defendant to
5 provide to the court or the Government, as ap-
6 plicable, any equipment necessary to maintain
7 care, custody, and control of such property or
8 material; and

9 “(II) take reasonable measures, and may
10 order the Government (if such property or ma-
11 terial is in the care, custody, and control of the
12 Government) to take reasonable measures, to
13 provide each party to the action, the attorney of
14 each party, and any individual a party may seek
15 to qualify as an expert, with ample opportunity
16 to inspect, view, and examine such property or
17 material at the court or a Government facility,
18 as applicable.”; and

19 (E) in paragraph (3)—

20 (i) by inserting “and during the 1-
21 year period following the date on which the
22 criminal proceeding becomes final or is ter-
23 minated” after “any criminal proceeding”;

24 (ii) by striking “, as defined under
25 section 2256(8),”; and

1 (iii) by inserting “or obscene visual
2 depiction of a child” after “such child por-
3 nography”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to conduct that occurs before, on,
6 or after the date of enactment of this Act.

7 **SEC. 3. FACILITATING PAYMENT OF RESTITUTION; TECH-**
8 **NICAL AMENDMENTS TO RESTITUTION STAT-**
9 **UTES.**

10 Title 18, United States Code, is amended—

11 (1) in section 1593(c)—

12 (A) by inserting “(1)” after “(c)”;

13 (B) by striking “chapter, including, in”
14 and inserting the following: “chapter.

15 “(2) In”; and

16 (C) in paragraph (2), as so designated, by
17 inserting “may assume the rights of the victim
18 under this section” after “suitable by the
19 court”;

20 (2) in section 2248(c)—

21 (A) by striking “For purposes” and insert-
22 ing the following:

23 “(1) IN GENERAL.—For purposes”;

24 (B) by striking “chapter, including, in”
25 and inserting the following: “chapter.

1 “(2) ASSUMPTION OF CRIME VICTIM’S
2 RIGHTS.—In”; and

3 (C) in paragraph (2), as so designated, by
4 inserting “may assume the rights of the victim
5 under this section” after “suitable by the
6 court”;

7 (3) in section 2259—

8 (A) by striking subsection (a) and insert-
9 ing the following:

10 “(a) IN GENERAL.—Notwithstanding section 3663 or
11 3663A, and in addition to any other civil or criminal pen-
12 alty authorized by law, the court shall order restitution
13 for any offense under—

14 “(1) section 1466A, to the extent the conduct
15 involves a visual depiction of an identifiable minor;
16 or

17 “(2) this chapter.”;

18 (B) in subsection (b)—

19 (i) in paragraph (1), by striking “DI-
20 RECTIONS.—Except as provided in para-
21 graph (2), the” and inserting “RESTITU-
22 TION FOR CHILD PORNOGRAPHY PRODUC-
23 TION.—If the defendant was convicted of
24 child pornography production, the”; and

1 (ii) in paragraph (2)(B), by striking
2 “\$3,000.” and inserting the following: “—
3 “(i) \$3,000; or
4 “(ii) 10 percent of the full amount of
5 the victim’s losses, if the full amount of
6 the victim’s losses is less than \$3,000.”;
7 and
8 (C) in subsection (c)—
9 (i) by striking paragraph (1) and in-
10 serting the following:
11 “(1) CHILD PORNOGRAPHY PRODUCTION.—For
12 purposes of this section and section 2259A, the term
13 ‘child pornography production’ means—
14 “(A) a violation of, attempted violation of,
15 or conspiracy to violate section 1466A(a) to the
16 extent the conduct involves production of a vis-
17 ual depiction of an identifiable minor;
18 “(B) a violation of, attempted violation of,
19 or conspiracy to violate section 1466A(a) involv-
20 ing possession with intent to distribute, or sec-
21 tion 1466A(b), to the extent the conduct in-
22 volves a visual depiction of an identifiable
23 minor—
24 “(i) produced by the defendant; or

1 “(ii) that the defendant attempted or
2 conspired to produce;

3 “(C) a violation of subsection (a), (b), or
4 (c) of section 2251, or an attempt or conspiracy
5 to violate any of those subsections under sub-
6 section (e) of that section;

7 “(D) a violation of section 2251A;

8 “(E) a violation of section 2252(a)(4) or
9 2252A(a)(5), or an attempt or conspiracy to
10 violate either of those sections under section
11 2252(b)(2) or 2252A(b)(2), to the extent such
12 conduct involves child pornography—

13 “(i) produced by the defendant; or

14 “(ii) that the defendant attempted or
15 conspired to produce;

16 “(F) a violation of subsection (a)(7) of sec-
17 tion 2252A, or an attempt or conspiracy to vio-
18 late that subsection under subsection (b)(3) of
19 that section, to the extent the conduct involves
20 production with intent to distribute;

21 “(G) a violation of section 2252A(g) if the
22 series of felony violations involves not fewer
23 than 1 violation—

24 “(i) described in subparagraph (A),
25 (B), (E), or (F) of this paragraph;

1 “(ii) of section 1591; or

2 “(iii) of section 1201, chapter 109A,
3 or chapter 117, if the victim is a minor;

4 “(H) a violation of subsection (a) of sec-
5 tion 2260, or an attempt or conspiracy to vio-
6 late that subsection under subsection (c)(1) of
7 that section;

8 “(I) a violation of section 2260B(a)(2) for
9 promoting or facilitating an offense—

10 “(i) described in subparagraph (A),
11 (B), (D), or (E) of this paragraph; or

12 “(ii) under section 2422(b); and

13 “(J) a violation of chapter 109A or chap-
14 ter 117, if the offense involves the production
15 or attempted production of, or conspiracy to
16 produce, child pornography.”;

17 (ii) by striking paragraph (3) and in-
18 serting the following:

19 “(3) TRAFFICKING IN CHILD PORNOGRAPHY.—

20 For purposes of this section and section 2259A, the
21 term ‘trafficking in child pornography’ means—

22 “(A) a violation of, attempted violation of,
23 or conspiracy to violate section 1466A(a) to the
24 extent the conduct involves distribution or re-

1 ceipt of a visual depiction of an identifiable
2 minor;

3 “(B) a violation of, attempted violation of,
4 or conspiracy to violate section 1466A(a) involv-
5 ing possession with intent to distribute, or sec-
6 tion 1466A(b), to the extent the conduct in-
7 volves a visual depiction of an identifiable
8 minor—

9 “(i) not produced by the defendant; or

10 “(ii) that the defendant did not at-
11 tempt or conspire to produce;

12 “(C) a violation of subsection (d) of section
13 2251 or an attempt or conspiracy to violate
14 that subsection under subsection (e) of that sec-
15 tion;

16 “(D) a violation of paragraph (1), (2), or
17 (3) of subsection (a) of section 2252, or an at-
18 tempt or conspiracy to violate any of those
19 paragraphs under subsection (b)(1) of that sec-
20 tion;

21 “(E) a violation of section 2252(a)(4) or
22 2252A(a)(5), or an attempt or conspiracy to
23 violate either of those sections under section
24 2252(b)(2) or 2252A(b)(2), to the extent such
25 conduct involves child pornography—

1 “(i) not produced by the defendant; or

2 “(ii) that the defendant did not at-

3 tempt or conspire to produce;

4 “(F) a violation of paragraph (1), (2), (3),

5 (4), or (6) of subsection (a) of section 2252A,

6 or an attempt or conspiracy to violate any of

7 those paragraphs under subsection (b)(1) of

8 that section;

9 “(G) a violation of subsection (a)(7) of sec-

10 tion 2252A, or an attempt or conspiracy to vio-

11 late that subsection under subsection (b)(3) of

12 that section, to the extent the conduct involves

13 distribution;

14 “(H) a violation of section 2252A(g) if the

15 series of felony violations exclusively involves

16 violations described in this paragraph (except

17 subparagraphs (A) and (B));

18 “(I) a violation of subsection (b) of section

19 2260, or an attempt or conspiracy to violate

20 that subsection under subsection (c)(2) of that

21 section; and

22 “(J) a violation of subsection (a)(1) of sec-

23 tion 2260B, or a violation of subsection (a)(2)

24 of that section for promoting or facilitating an

1 offense described in this paragraph (except sub-
2 paragraphs (A) and (B)).”; and

3 (iii) in paragraph (4), in the first sen-
4 tence, by inserting “or an identifiable
5 minor harmed as a result of the commis-
6 sion of a crime under section 1466A” after
7 “under this chapter”;

8 (4) in section 2259A(a)—

9 (A) in paragraph (1), by striking “under
10 section 2252(a)(4) or 2252A(a)(5)” and insert-
11 ing “described in subparagraph (B) or (E) of
12 section 2259(c)(3)”; and

13 (B) in paragraph (2), by striking “any
14 other offense for trafficking in child pornog-
15 raphy” and inserting “any offense for traf-
16 ficking in child pornography other than an of-
17 fense described in subparagraph (B) or (E) of
18 section 2259(c)(3)”; and

19 (5) in section 2429—

20 (A) in subsection (b)(3), by striking
21 “2259(b)(3)” and inserting “2259(c)(2)”; and

22 (B) in subsection (d)—

23 (i) by inserting “(1)” after “(d)”; and

24 (ii) by striking “chapter, including,
25 in” and inserting the following: “chapter.

1 “(2) In”; and

2 (iii) in paragraph (2), as so des-
3 ignated, by inserting “may assume the
4 rights of the victim under this section”
5 after “suitable by the court”; and

6 (6) in section 3664, by adding at the end the
7 following:

8 “(q) TRUSTEE OR OTHER FIDUCIARY.—

9 “(1) IN GENERAL.—

10 “(A) APPOINTMENT OF TRUSTEE OR
11 OTHER FIDUCIARY.—When the court issues an
12 order of restitution under section 1593, 2248,
13 2259, 2429, or 3663, or subparagraphs (A)(i)
14 and (B) of section 3663A(c)(1), for a victim de-
15 scribed in subparagraph (B) of this paragraph,
16 the court, at its own discretion or upon motion
17 by the Government, may appoint a trustee or
18 other fiduciary to hold any amount paid for res-
19 titution in a trust or other official account for
20 the benefit of the victim.

21 “(B) COVERED VICTIMS.—A victim re-
22 ferred to in subparagraph (A) is a victim who
23 is—

24 “(i) under the age of 18 at the time
25 of the proceeding;

1 “(ii) incompetent or incapacitated; or

2 “(iii) subject to paragraph (3), a for-

3 eign citizen or stateless person residing

4 outside the United States.

5 “(2) ORDER.—When the court appoints a trust-

6 ee or other fiduciary under paragraph (1), the court

7 shall issue an order specifying—

8 “(A) the duties of the trustee or other fi-

9 duciary, which shall require—

10 “(i) the administration of the trust or

11 maintaining an official account in the best

12 interests of the victim; and

13 “(ii) disbursing payments from the

14 trust or account—

15 “(I) to the victim; or

16 “(II) to any individual or entity

17 on behalf of the victim;

18 “(B) that the trustee or other fiduciary—

19 “(i) shall avoid any conflict of inter-

20 est;

21 “(ii) may not profit from the adminis-

22 tration of the trust or maintaining an offi-

23 cial account for the benefit of the victim

24 other than as specified in the order; and

1 “(iii) may not delegate administration
2 of the trust or maintaining the official ac-
3 count to any other person;

4 “(C) if and when the trust or the duties of
5 the other fiduciary will expire; and

6 “(D) the fees payable to the trustee or
7 other fiduciary to cover expenses of admin-
8 istering the trust or maintaining the official ac-
9 count for the benefit of the victim, and the
10 schedule for payment of those fees.

11 “(3) FACT-FINDING REGARDING FOREIGN CITI-
12 ZENS AND STATELESS PERSON.—In the case of a
13 victim who is a foreign citizen or stateless person re-
14 siding outside the United States and is not under
15 the age of 18 at the time of the proceeding or in-
16 competent or incapacitated, the court may appoint a
17 trustee or other fiduciary under paragraph (1) only
18 if the court finds it necessary to—

19 “(A) protect the safety or security of the
20 victim; or

21 “(B) provide a reliable means for the vic-
22 tim to access or benefit from the restitution
23 payments.

24 “(4) PAYMENT OF FEES.—

1 “(A) IN GENERAL.—The court may, with
2 respect to the fees of the trustee or other fidu-
3 ciary—

4 “(i) pay the fees in whole or in part;
5 or

6 “(ii) order the defendant to pay the
7 fees in whole or in part.

8 “(B) APPLICABILITY OF OTHER PROVI-
9 SIONS.—With respect to a court order under
10 subparagraph (A)(ii) requiring a defendant to
11 pay fees—

12 “(i) subsection (f)(3) shall apply to
13 the court order in the same manner as
14 that subsection applies to a restitution
15 order;

16 “(ii) subchapter C of chapter 227
17 (other than section 3571) shall apply to
18 the court order in the same manner as
19 that subchapter applies to a sentence of a
20 fine; and

21 “(iii) subchapter B of chapter 229
22 shall apply to the court order in the same
23 manner as that subchapter applies to the
24 implementation of a sentence of a fine.

1 “(C) EFFECT ON OTHER PENALTIES.—Im-
2 position of payment under subparagraph (A)(ii)
3 shall not relieve a defendant of, or entitle a de-
4 fendant to a reduction in the amount of, any
5 special assessment, restitution, other fines, pen-
6 alties, or costs, or other payments required
7 under the defendant’s sentence.

8 “(D) SCHEDULE.—Notwithstanding any
9 other provision of law, if the court orders the
10 defendant to make any payment under subpara-
11 graph (A)(ii), the court may provide a payment
12 schedule that is concurrent with the payment of
13 any other financial obligation described in sub-
14 paragraph (C).

15 “(5) AUTHORIZATION OF APPROPRIATIONS.—

16 “(A) IN GENERAL.—There is authorized to
17 be appropriated to the United States courts to
18 carry out this subsection \$15,000,000 for each
19 fiscal year.

20 “(B) SUPERVISION OF PAYMENTS.—Pay-
21 ments from appropriations authorized under
22 subparagraph (A) shall be made under the su-
23 pervision of the Director of the Administrative
24 Office of the United States Courts.”.

1 **SEC. 4. CYBERTIPLINE IMPROVEMENTS, AND ACCOUNT-**
2 **ABILITY AND TRANSPARENCY BY THE TECH**
3 **INDUSTRY.**

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

6 (1) in section 2258A—

7 (A) by striking subsections (a), (b), and (c)
8 and inserting the following:

9 “(a) DUTY TO REPORT.—

10 “(1) DUTY.—In order to reduce the prolifera-
11 tion of online child sexual exploitation and to pre-
12 vent the online sexual exploitation of children, as
13 soon as reasonably possible after obtaining actual
14 knowledge of any facts or circumstances described in
15 paragraph (2) or any apparent child pornography on
16 the provider’s service, and in any event not later
17 than 60 days after obtaining such knowledge, a pro-
18 vider shall submit to the CyberTipline of NCMEC,
19 or any successor to the CyberTipline operated by
20 NCMEC, a report that—

21 “(A) shall contain—

22 “(i) the mailing address, telephone
23 number, facsimile number, electronic mail-
24 ing address of, and individual point of con-
25 tact for, such provider; and

1 “(ii) information or material described
2 in subsection (b)(1)(A) concerning such
3 facts or circumstances or apparent child
4 pornography; and

5 “(B) may contain information described in
6 subsection (b)(2), including any available infor-
7 mation to identify or locate any involved minor.

8 “(2) FACTS OR CIRCUMSTANCES.—The facts or
9 circumstances described in this paragraph are any
10 facts or circumstances indicating an apparent,
11 planned, or imminent violation of section 1591 (if
12 the violation involves a minor), 2251, 2251A, 2252,
13 2252A, 2252B, 2260, or 2422(b).

14 “(3) COMPLAINANT INFORMATION.—For a re-
15 port premised on a complaint or notification sub-
16 mitted to a provider by a user of the provider’s
17 product or service, or a parent, guardian, or rep-
18 resentative of such user, the provider shall take rea-
19 sonable measures to determine what information or
20 material in the user’s account shall be included in
21 the report as provided in subsection (b)(1)(A)(vi).

22 “(b) CONTENTS OF REPORT.—

23 “(1) IN GENERAL.—In an effort to prevent the
24 future sexual victimization of children, and to the
25 extent the information is within the custody or con-

1 trol of a provider, each report provided under sub-
2 section (a)(1)—

3 “(A) shall include, to the extent that it is
4 applicable and reasonably available—

5 “(i) the name, address, electronic mail
6 address, user or account identification,
7 Internet Protocol address, port number,
8 and uniform resource locator of any indi-
9 vidual who is a subject of the report;

10 “(ii) the terms of service in effect at
11 the time of—

12 “(I) the apparent violation; or

13 “(II) the detection of apparent
14 child pornography or a planned or im-
15 minent violation;

16 “(iii) a copy of any apparent child
17 pornography that is the subject of the re-
18 port, or all accessible chats, messages, or
19 text exchanges that are related to the re-
20 port, that were identified in a publicly
21 available location;

22 “(iv) for each item of apparent child
23 pornography included in the report under
24 clause (iii) or paragraph (2)(E), informa-
25 tion indicating whether—

1 “(I) the apparent child pornog-
2 raphy was publicly available; or

3 “(II) the provider, in its sole dis-
4 cretion, viewed the apparent child por-
5 nography, or any copy thereof, at any
6 point concurrent with or prior to the
7 submission of the report;

8 “(v) for each item of apparent child
9 pornography that is the subject of the re-
10 port, an indication as to whether the ap-
11 parent child pornography—

12 “(I) is created in whole or in part
13 through the use of software, machine
14 learning, artificial intelligence, or any
15 other computer-generated or techno-
16 logical means, including by adapting,
17 modifying, manipulating, or altering
18 an authentic visual depiction;

19 “(II) has previously been the
20 subject of a report under subsection
21 (a)(1); or

22 “(III) is the subject of multiple
23 contemporaneous reports due to rapid
24 and widespread distribution; and

1 “(vi) any and all information or mate-
2 rial (including apparent child pornography,
3 chats, messages, or text exchanges) relat-
4 ing to the subject of the report in the ac-
5 count of a user of the provider’s product or
6 service, if the user, or the parent, guard-
7 ian, or representative of such user—

8 “(I) provided the information or
9 material in a notification or complaint
10 to the provider;

11 “(II) indicates that such informa-
12 tion or material should be included in
13 the report; or

14 “(III) consents to the inclusion of
15 such information or material in the
16 report; and

17 “(B) may, at the sole discretion of the pro-
18 vider, include the information described in para-
19 graph (2) of this subsection.

20 “(2) OTHER INFORMATION.—The information
21 referred to in paragraph (1)(B) is the following:

22 “(A) INFORMATION ABOUT ANY INVOLVED
23 INDIVIDUAL.—Any information relating to the
24 identity or location of any individual who is a
25 subject of the report, including payment or fi-

1 nancial information (excluding personally iden-
2 tifiable information) and self-reported identi-
3 fying or locating information.

4 “(B) INFORMATION ABOUT ANY INVOLVED
5 MINOR.—Information relating to the identity or
6 location of any involved minor, which may in-
7 clude an address, electronic mail address, Inter-
8 net Protocol address, port number, uniform re-
9 source locator, payment or financial information
10 (excluding personally identifiable information),
11 or any other information that may identify or
12 locate any involved minor, including self-re-
13 ported identifying or locating information.

14 “(C) HISTORICAL REFERENCE.—Informa-
15 tion relating to when and how a customer or
16 subscriber of a provider uploaded, transmitted,
17 or received content relating to the report or
18 when and how content relating to the report
19 was reported to, or discovered by the provider,
20 including a date and time stamp and time zone.

21 “(D) GEOGRAPHIC LOCATION INFORMA-
22 TION.—Information relating to the geographic
23 location of the involved individual or website,
24 which may include the Internet Protocol ad-
25 dress, port number, or verified address, or, if

1 not reasonably available, at least one form of
2 geographic identifying information, including
3 area code or ZIP Code, provided by the cus-
4 tomer or subscriber, or stored or obtained by
5 the provider.

6 “(E) APPARENT CHILD PORNOGRAPHY.—
7 Any apparent child pornography not described
8 in paragraph (1)(A)(iii), or other content re-
9 lated to the subject of the report.

10 “(F) COMPLETE COMMUNICATION.—The
11 complete communication containing any appar-
12 ent child pornography or other content, includ-
13 ing—

14 “(i) any data or information regard-
15 ing the transmission of the communication;
16 and

17 “(ii) any visual depictions, data, or
18 other digital files contained in, or attached
19 to, the communication.

20 “(G) TECHNICAL IDENTIFIER.—An indus-
21 try-standard hash value or other similar indus-
22 try-standard technical identifier for any re-
23 ported visual depiction as it existed on the pro-
24 vider’s service.

1 “(H) DESCRIPTION.—For any item of ap-
2 parent child pornography that is the subject of
3 the report, an indication of whether—

4 “(i) the depicted sexually explicit con-
5 duct involves—

6 “(I) genital, oral, or anal sexual
7 intercourse;

8 “(II) bestiality;

9 “(III) masturbation;

10 “(IV) sadistic or masochistic
11 abuse; or

12 “(V) lascivious exhibition of the
13 anus, genitals, or pubic area of any
14 person; and

15 “(ii) the depicted minor is—

16 “(I) an infant or toddler;

17 “(II) prepubescent;

18 “(III) pubescent;

19 “(IV) post-pubescent; or

20 “(V) of an indeterminate age or
21 developmental stage.

22 “(I) CHATS, MESSAGES, OR TEXT EX-
23 CHANGES.—Chats, messages, or text exchanges
24 that fully provide the context for the report.

1 “(3) FORMATTING OF REPORTS.—When a pro-
2 vider includes any information described in para-
3 graph (1) or, at its sole discretion, any information
4 described in paragraph (2) in a report to the
5 CyberTipline of NCMEC, or any successor to the
6 CyberTipline operated by NCMEC, the provider
7 shall use best efforts to ensure that the report con-
8 forms with the structure of the CyberTipline or the
9 successor, as applicable.

10 “(c) FORWARDING OF REPORT AND OTHER INFOR-
11 MATION TO LAW ENFORCEMENT.—

12 “(1) IN GENERAL.—Pursuant to its clearing-
13 house role as a private, nonprofit organization, and
14 at the conclusion of its review in furtherance of its
15 nonprofit mission, NCMEC shall make available
16 each report submitted under subsection (a)(1) to one
17 or more of the following law enforcement agencies:

18 “(A) Any Federal law enforcement agency
19 that is involved in the investigation of child sex-
20 ual exploitation, kidnapping, or enticement
21 crimes.

22 “(B) Any State or local law enforcement
23 agency that is involved in the investigation of
24 child sexual exploitation.

1 “(C) A foreign law enforcement agency
2 designated by the Attorney General under sub-
3 section (d)(3) or a foreign law enforcement
4 agency that has an established relationship with
5 the Federal Bureau of Investigation, Immigra-
6 tion and Customs Enforcement, or
7 INTERPOL, and is involved in the investiga-
8 tion of child sexual exploitation, kidnapping, or
9 enticement crimes.

10 “(2) TECHNICAL IDENTIFIERS.—If a report
11 submitted under subsection (a)(1) contains an in-
12 dustry-standard hash value or other similar indus-
13 try-standard technical identifier—

14 “(A) NCMEC may compare that hash
15 value or identifier with any database or reposi-
16 tory of visual depictions owned or operated by
17 NCMEC; and

18 “(B) if the comparison under subpara-
19 graph (A) results in a match, NCMEC may in-
20 clude the matching visual depiction from its
21 database or repository when forwarding the re-
22 port to an agency described in subparagraph
23 (A) or (B) of paragraph (1).”;

24 (B) in subsection (d)—

1 (i) in paragraph (2), by striking “sub-
2 section (c)(1)” and inserting “subsection
3 (c)(1)(A)”;

4 (ii) in paragraph (3)—

5 (I) in subparagraph (A), by strik-
6 ing “subsection (c)(3)” and inserting
7 “subsection (c)(1)(C)”; and

8 (II) in subparagraph (C), by
9 striking “subsection (c)(3)” and in-
10 serting “subsection (c)(1)(C)”; and

11 (iii) in paragraph (5)(B)—

12 (I) in clause (i), by striking “for-
13 warded” and inserting “made avail-
14 able”; and

15 (II) in clause (ii), by striking
16 “forwarded” and inserting “made
17 available”;

18 (C) by striking subsection (e) and inserting
19 the following:

20 “(e) FAILURE TO COMPLY WITH REQUIREMENTS.—

21 “(1) CRIMINAL PENALTY.—

22 “(A) OFFENSE.—It shall be unlawful for a
23 provider to knowingly—

1 “(i) fail to submit a report under sub-
2 section (a)(1) within the time period re-
3 quired by that subsection; or

4 “(ii) fail to preserve material as re-
5 quired under subsection (h).

6 “(B) PENALTY.—

7 “(i) IN GENERAL.—A provider that
8 violates subparagraph (A) shall be fined—

9 “(I) in the case of an initial vio-
10 lation, not more than—

11 “(aa) \$850,000 if the pro-
12 vider has not fewer than
13 100,000,000 monthly active
14 users; or

15 “(bb) \$600,000 if the pro-
16 vider has fewer than 100,000,000
17 monthly active users; and

18 “(II) in the case of any second or
19 subsequent violation, not more than—

20 “(aa) \$1,000,000 if the pro-
21 vider has not fewer than
22 100,000,000 monthly active
23 users; or

1 “(bb) \$850,000 if the pro-
2 vider has fewer than 100,000,000
3 monthly active users.

4 “(ii) HARM TO INDIVIDUALS.—The
5 maximum fine under clause (i) shall be
6 doubled if an individual is harmed as a di-
7 rect and proximate result of the applicable
8 violation.

9 “(2) CIVIL PENALTY.—

10 “(A) VIOLATIONS RELATING TO
11 CYBERTIPLINE REPORTS AND MATERIAL PRES-
12 ERVATION.—A provider shall be liable to the
13 United States Government for a civil penalty in
14 an amount of not less than \$50,000 and not
15 more than \$250,000 if the provider know-
16 ingly—

17 “(i) fails to submit a report under
18 subsection (a)(1) within the time period re-
19 quired by that subsection;

20 “(ii) fails to preserve material as re-
21 quired under subsection (h); or

22 “(iii) submits a report under sub-
23 section (a)(1) that—

24 “(I) contains materially false or
25 fraudulent information; or

1 “(II) omits information described
2 in subsection (b)(1)(A) that is reason-
3 ably available.

4 “(B) ANNUAL REPORT VIOLATIONS.—A
5 provider shall be liable to the United States
6 Government for a civil penalty in an amount of
7 not less than \$100,000 and not more than
8 \$1,000,000 if the provider knowingly—

9 “(i) fails to submit an annual report
10 as required under subsection (i); or

11 “(ii) submits an annual report under
12 subsection (i) that—

13 “(I) contains a materially false,
14 fraudulent, or misleading statement;
15 or

16 “(II) omits information described
17 in subsection (i)(1) that is reasonably
18 available.

19 “(C) HARM TO INDIVIDUALS.—The
20 amount of a civil penalty under subparagraph
21 (A) or (B) shall be tripled if an individual is
22 harmed as a direct and proximate result of the
23 applicable violation.

24 “(D) COSTS OF CIVIL ACTIONS.—A pro-
25 vider that commits a violation described in sub-

1 paragraph (A) or (B) shall be liable to the
2 United States Government for the costs of a
3 civil action brought to recover a civil penalty
4 under that subparagraph.

5 “(E) ENFORCEMENT.—This paragraph
6 shall be enforced in accordance with sections
7 3731, 3732, and 3733 of title 31, except that
8 a civil action to recover a civil penalty under
9 subparagraph (A) or (B) of this paragraph may
10 only be brought by the United States Govern-
11 ment.

12 “(3) DEPOSIT OF FINES AND PENALTIES.—
13 Notwithstanding any other provision of law, any
14 criminal fine or civil penalty collected under this
15 subsection shall be deposited into the Child Pornog-
16 raphy Victims Reserve as provided in section
17 2259B.”;

18 (D) in subsection (f), by striking para-
19 graph (3) and inserting the following:

20 “(3) affirmatively search, screen, or scan for—

21 “(A) facts or circumstances described in
22 subsection (a)(2);

23 “(B) information described in subsection
24 (b)(2); or

25 “(C) any apparent child pornography.”;

1 (E) in subsection (g)—

2 (i) in paragraph (2)(A)—

3 (I) in clause (iii), by inserting
4 “or personnel at a children’s advocacy
5 center” after “State”); and

6 (II) in clause (iv), by striking
7 “State or subdivision of a State” and
8 inserting “State, subdivision of a
9 State, or children’s advocacy center”;
10 and

11 (ii) in paragraph (3), in the matter
12 preceding subparagraph (A), by striking
13 “subsection (a)” and inserting “subsection
14 (a)(1)”;

15 (F) in subsection (h), by striking para-
16 graph (5) and inserting the following:

17 “(5) RELATION TO REPORTING REQUIRE-
18 MENT.—Submission of a report as described in sub-
19 section (a)(1) does not satisfy the obligations under
20 this subsection.”; and

21 (G) by adding at the end the following:

22 “(i) ANNUAL REPORT.—

23 “(1) IN GENERAL.—Not later than March 31 of
24 the second year beginning after the date of enact-
25 ment of the STOP CSAM Act of 2025, and of each

1 year thereafter, a provider that had more than
2 1,000,000 unique monthly visitors or users during
3 each month of the preceding year and accrued rev-
4 enue of more than \$50,000,000 during the preceding
5 year shall submit to the Attorney General and the
6 Chair of the Federal Trade Commission a report,
7 disaggregated by subsidiary, that provides the fol-
8 lowing information for the preceding year to the ex-
9 tent such information is applicable and reasonably
10 available:

11 “(A) CYBERTIPLINE DATA.—

12 “(i) The total number of reports that
13 the provider submitted under subsection
14 (a)(1).

15 “(ii) Which items of information de-
16 scribed in subsection (b)(2) are routinely
17 included in the reports submitted by the
18 provider under subsection (a)(1).

19 “(B) OTHER REPORTING TO THE PRO-
20 VIDER.—

21 “(i) The measures the provider has in
22 place to receive other reports concerning
23 child sexual exploitation and abuse using
24 the provider’s product or on the provider’s
25 service.

1 “(ii) The average time for responding
2 to reports described in clause (i).

3 “(iii) The number of reports described
4 in clause (i) that the provider received.

5 “(iv) A summary description of the
6 actions taken upon receipt of the reports
7 described in clause (i).

8 “(C) POLICIES.—

9 “(i) A description of the policies of
10 the provider with respect to the commis-
11 sion of child sexual exploitation and abuse
12 using the provider’s product or on the pro-
13 vider’s service, including how child sexual
14 exploitation and abuse is defined.

15 “(ii) A description of possible user
16 consequences for violations of the policies
17 described in clause (i).

18 “(iii) The methods of informing users
19 of the policies described in clause (i).

20 “(iv) The process for adjudicating po-
21 tential violations of the policies described
22 in clause (i).

23 “(D) CULTURE OF SAFETY.—

24 “(i) The measures, tools, and tech-
25 nologies that the provider deploys to—

1 “(I) protect children from sexual
2 exploitation and abuse using the pro-
3 vider’s product or service;

4 “(II) prevent or interdict activity
5 by children related to sexual exploi-
6 tation and abuse, including the post-
7 ing or sharing of intimate visual de-
8 pictions; and

9 “(III) accurately identify adult
10 and minor users.

11 “(ii) The measures, tools, and tech-
12 nologies that the provider deploys to em-
13 power parents and guardians to protect
14 their children from sexual exploitation and
15 abuse using the provider’s product or serv-
16 ice.

17 “(iii) The measures, tools, and tech-
18 nologies that the provider deploys to pre-
19 vent the use of the provider’s product or
20 service by individuals seeking to commit
21 child sexual exploitation and abuse.

22 “(iv) With respect to the measures,
23 tools, and technologies described in clauses
24 (i), (ii), and (iii)—

1 “(I) an assessment of their effi-
2 cacy, including any relevant quan-
3 titative information indicating when
4 and how often they are used; and

5 “(II) information on any factors
6 that limit their efficacy or create gaps
7 in their protection and efforts by the
8 provider to address those loopholes or
9 gaps.

10 “(v) A description of factors that
11 interfere with the provider’s ability to de-
12 tect or evaluate instances of child sexual
13 exploitation and abuse and an analysis of
14 the impact of those factors.

15 “(vi) Information shared by the pro-
16 vider with users about the risks to children
17 on the provider’s product or service con-
18 cerning sexual exploitation and abuse and
19 an assessment of the impact of the infor-
20 mation on users, including any relevant
21 quantitative information indicating how
22 often the information is reviewed.

23 “(vii) A description of efforts under-
24 taken by the provider, to the extent appro-
25 priate, to allow for independent verification

1 of the information provided pursuant to
2 this subparagraph and of the efficacy of
3 the measures, tools, and technologies de-
4 scribed in clauses (i), (ii), and (iii), includ-
5 ing through the facilitation of independent
6 research.

7 “(E) SAFETY BY DESIGN.—The measures
8 that the provider takes before launching a new
9 product or service—

10 “(i) to assess—

11 “(I) the safety risks for children
12 with respect to sexual exploitation and
13 abuse; and

14 “(II) whether and how individ-
15 uals could use the new product or
16 service to commit child sexual exploi-
17 tation and abuse; and

18 “(ii) to determine—

19 “(I) the appropriate age for users
20 of the new product or service; and

21 “(II) whether the new product or
22 service will be adopted to commit
23 child sexual exploitation and abuse.

24 “(F) PREVALENCE, TRENDS, AND PAT-
25 TERNS.—Any information concerning—

1 “(i) the prevalence of child sexual ex-
2 ploitation and abuse on the provider’s
3 product or service, including the volume of
4 child pornography that is available and
5 that is being accessed, distributed, or re-
6 ceived; and

7 “(ii) emerging trends, risks, and
8 changing patterns with respect to the com-
9 mission of online child sexual exploitation
10 and abuse.

11 “(G) OTHER INFORMATION.—Any other
12 information relevant to child sexual exploitation
13 and abuse on the provider’s product or service.

14 “(2) AVOIDING DUPLICATION.—Notwith-
15 standing the requirement under the matter pre-
16 ceding paragraph (1) that information be submitted
17 annually, in the case of any report submitted under
18 that paragraph after the initial report, a provider
19 shall submit information described in subparagraphs
20 (C) through (F) of that paragraph not less fre-
21 quently than once every 3 years or when new infor-
22 mation is available, whichever is more frequent.

23 “(3) LIMITATION.—Nothing in paragraph (1)
24 shall require the disclosure of trade secrets or other
25 proprietary information.

1 “(4) PUBLICATION.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graph (B), the Attorney General and the Chair
4 of the Federal Trade Commission shall publish
5 the reports received under this subsection.

6 “(B) REDACTION.—

7 “(i) IN GENERAL.—Whether or not
8 such redaction is requested by the pro-
9 vider, the Attorney General and Chair of
10 the Federal Trade Commission shall redact
11 from a report published under subpara-
12 graph (A) any information as necessary to
13 avoid—

14 “(I) undermining the efficacy of
15 a safety measure described in the re-
16 port; or

17 “(II) revealing how a product or
18 service of a provider may be used to
19 commit online child sexual exploi-
20 tation and abuse.

21 “(ii) ADDITIONAL REDACTION.—

22 “(I) REQUEST.—In addition to
23 information redacted under clause (i),
24 a provider may request the redaction,
25 from a report published under sub-

1 paragraph (A), of any information
2 that is law enforcement sensitive or
3 otherwise not suitable for public dis-
4 tribution.

5 “(II) AGENCY DISCRETION.—The
6 Attorney General and Chair of the
7 Federal Trade Commission—

8 “(aa) shall consider a re-
9 quest made under subclause (I);
10 and

11 “(bb) may, in their discre-
12 tion, redact from a report pub-
13 lished under subparagraph (A)
14 any information pursuant to the
15 request.”;

16 (2) in section 2258B—

17 (A) by striking subsection (a) and insert-
18 ing the following:

19 “(a) IN GENERAL.—

20 “(1) LIMITED LIABILITY.—Except as provided
21 in subsection (b), a civil claim or criminal charge de-
22 scribed in paragraph (2) may not be brought in any
23 Federal or State court.

24 “(2) COVERED CLAIMS AND CHARGES.—A civil
25 claim or criminal charge referred to in paragraph

1 (1) is a civil claim or criminal charge against a pro-
2 vider or domain name registrar, including any direc-
3 tor, officer, employee, or agent of such provider or
4 domain name registrar, that is directly attributable
5 to—

6 “(A) the performance of the reporting or
7 preservation responsibilities of such provider or
8 domain name registrar under this section, sec-
9 tion 2258A, or section 2258C;

10 “(B) transmitting, distributing, or mailing
11 child pornography to any Federal, State, or
12 local law enforcement agency, or giving such
13 agency access to child pornography, in response
14 to a search warrant, court order, or other legal
15 process issued or obtained by such agency; or

16 “(C) the use by the provider or domain
17 name registrar of any material being preserved
18 under section 2258A(h) by such provider or
19 registrar for research and the development and
20 training of tools, undertaken voluntarily and in
21 good faith for the sole and exclusive purpose
22 of—

23 “(i) improving or facilitating reporting
24 under this section, section 2258A, or sec-
25 tion 2258C; or

1 “(ii) stopping the online sexual exploi-
2 tation of children.”; and

3 (B) in subsection (b)—

4 (i) in paragraph (1), by striking “;
5 or” and inserting “or knowingly failed to
6 comply with a requirement under section
7 2258A;”;

8 (ii) in paragraph (2)(C)—

9 (I) by striking “sections” and in-
10 serting “this section or section”; and

11 (II) by striking the period and
12 inserting “; or”; and

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

15 “(3) for purposes of subsection (a)(2)(C),
16 knowingly distributed or transmitted the material, or
17 made the material available, except as required by
18 law, to—

19 “(A) any other entity;

20 “(B) any person not employed by the pro-
21 vider or domain name registrar; or

22 “(C) any person employed by the provider
23 or domain name registrar who is not conducting
24 any research described in that subsection.”;

25 (3) in section 2258C—

1 (A) in the section heading, by striking
2 **“the CyberTipline”** and inserting
3 **“NCMEC”**;

4 (B) in subsection (a)—

5 (i) in the subsection heading, by strik-
6 ing **“ELEMENTS”** and inserting **“INFOR-**
7 **MATION SHARING WITH PROVIDERS AND**
8 **ENTITIES FOR THE PURPOSES OF PRE-**
9 **VENTING AND CURTAILING THE ONLINE**
10 **SEXUAL EXPLOITATION OF CHILDREN”**;

11 (ii) in paragraph (1)—

12 (I) by striking **“to a provider”**
13 and inserting the following: **“or sub-**
14 **mission to the Child Victim Identifica-**
15 **tion Program to—**

16 **“(A) a provider”**;

17 (II) in subparagraph (A), as so
18 designated—

19 (aa) by inserting **“use of the**
20 **provider’s products or services to**
21 **commit”** after **“stop the”**; and

22 (bb) by striking the period
23 at the end and inserting **“; or”**;
24 and

1 (III) by adding at the end the
2 following:

3 “(B) an entity for the sole and exclusive
4 purpose of preventing and curtailing the online
5 sexual exploitation of children.”; and

6 (iii) in paragraph (2)—

7 (I) in the heading, by striking
8 “INCLUSIONS” and inserting “ELE-
9 MENTS”;

10 (II) by striking “unique identi-
11 fiers” and inserting “similar technical
12 identifiers”;

13 (III) by inserting “or content,
14 elements, or reported materials,”
15 after “visual depiction,”;

16 (IV) by inserting a comma after
17 “location”;

18 (V) by striking “and any other
19 elements”; and

20 (VI) by inserting “or submission
21 to the Child Victim Identification Pro-
22 gram” after “CyberTipline report”;

23 (C) in subsection (b)—

24 (i) in the heading, by inserting “OR
25 ENTITIES” after “PROVIDERS”;

1 (ii) by striking “Any provider” and in-
2 serting the following:

3 “(1) IN GENERAL.—Any provider or entity”;

4 (iii) in paragraph (1), as so des-
5 ignated—

6 (I) by striking “receives” and in-
7 serting “obtains”; and

8 (II) by inserting “or submission
9 to the Child Victim Identification Pro-
10 gram” after “CyberTipline report”;
11 and

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

14 “(2) LIMITATION ON SHARING WITH OTHER EN-
15 TITIES.—A provider or entity that obtains elements
16 under subsection (a)(1) may not distribute those ele-
17 ments, or make those elements available, to any
18 other entity, except for the sole and exclusive pur-
19 pose of curtailing, preventing, or stopping the online
20 sexual exploitation of children.”;

21 (D) in subsection (c)—

22 (i) by striking “subsections” and in-
23 serting “subsection”;

1 (ii) by striking “providers receiving”
2 and inserting “a provider or entity to ob-
3 tain”;

4 (iii) by inserting “or submission to the
5 Child Victim Identification Program” after
6 “CyberTipline report”; and

7 (iv) by striking “to use the elements
8 to stop the online sexual exploitation of
9 children”; and

10 (E) in subsection (d), by inserting “or to
11 the Child Victim Identification Program” after
12 “CyberTipline”;

13 (4) in section 2258E—

14 (A) in paragraph (6), by striking “elec-
15 tronic communication service provider” and in-
16 serting “electronic communication service”;

17 (B) in paragraph (7), by striking “and” at
18 the end;

19 (C) in paragraph (8), by striking the pe-
20 riod at the end and inserting a semicolon; and

21 (D) by adding at the end the following:

22 “(9) the term ‘publicly available’, with respect
23 to a visual depiction on a provider’s service, means
24 the visual depiction can be viewed by or is accessible
25 to all users of the service, regardless of the steps, if

1 any, a user must take to create an account or to
2 gain access to the service in order to access or view
3 the visual depiction; and

4 “(10) the term ‘Child Victim Identification Pro-
5 gram’ means the program described in section
6 404(b)(1)(K)(ii) of the Juvenile Justice and Delin-
7 quency Prevention Act of 1974 (34 U.S.C.
8 11293(b)(1)(K)(ii)).”;

9 (5) in section 2259B(a), by inserting “, any
10 fine or penalty collected under section 2258A(e),”
11 after “2259A”; and

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

13 **“§ 2260B. Liability for certain child sexual exploi-
14 tation offenses**

15 “(a) OFFENSE.—It shall be unlawful for a provider
16 of an interactive computer service, as that term is defined
17 in section 230 of the Communications Act of 1934 (47
18 U.S.C. 230), that operates through the use of any facility
19 or means of interstate or foreign commerce or in or affect-
20 ing interstate or foreign commerce, through such service
21 to—

22 “(1) intentionally host or store child pornog-
23 raphy or make child pornography available to any
24 person; or

1 “(2) knowingly promote or facilitate a violation
2 of section 2251, 2251A, 2252, 2252A, or 2422(b).

3 “(b) PENALTY.—A provider of an interactive com-
4 puter service that violates subsection (a)—

5 “(1) subject to paragraph (2), shall be fined not
6 more than \$1,000,000; and

7 “(2) if the offense involves a conscious or reck-
8 less risk of serious personal injury or an individual
9 is harmed as a direct and proximate result of the
10 violation, shall be fined not more than \$5,000,000.

11 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to apply to any good faith action
13 by a provider of an interactive computer service that is
14 necessary to comply with a valid court order, subpoena,
15 search warrant, statutory obligation, or preservation re-
16 quest from law enforcement.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for chapter 110 of title 18, United States Code, is amend-
19 ed by adding at the end the following:

“2260B. Liability for certain child sexual exploitation offenses.”.

20 (c) EFFECTIVE DATE FOR AMENDMENTS TO RE-
21 PORTING REQUIREMENTS OF PROVIDERS.—The amend-
22 ments made by subsection (a)(1) of this section shall take
23 effect on the date that is 120 days after the date of enact-
24 ment of this Act.

1 **SEC. 5. EXPANDING CIVIL REMEDIES FOR VICTIMS OF ON-**
2 **LINE CHILD SEXUAL EXPLOITATION.**

3 (a) STATEMENT OF INTENT.—Nothing in this section
4 shall be construed to abrogate or narrow any case law con-
5 cerning section 2255 of title 18, United States Code.

6 (b) CIVIL REMEDY FOR PERSONAL INJURIES.—Sec-
7 tion 2255(a) of title 18, United States Code, is amended—

8 (1) by striking “IN GENERAL.—Any person
9 who, while a minor, was a victim of a violation of
10 section 1589, 1590, 1591, 2241(c), 2242, 2243,
11 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or
12 2423 of this title and who suffers personal injury as
13 a result of such violation, regardless of whether the
14 injury occurred while such person was a minor, may
15 sue” and inserting the following: “PRIVATE RIGHT
16 OF ACTION.—

17 “(1) IN GENERAL.—Any person described in
18 subparagraph (A), (B), or (C) of paragraph (2) who
19 suffers personal injury as a result of a violation de-
20 scribed in that subparagraph, regardless of whether
21 the injury occurred while such person was a minor,
22 may bring a civil action”; and

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

24 “(2) ELIGIBLE PERSONS.—Paragraph (1) shall
25 apply to any person—

26 “(A) who, while a minor, was a victim of—

1 “(i) a violation of section 1589, 1590,
2 1591, 2241, 2242, 2243, 2251, 2251A,
3 2260(a), 2421, 2422, or 2423;

4 “(ii) an attempt to violate section
5 1589, 1590, or 1591 under section
6 1594(a);

7 “(iii) a conspiracy to violate section
8 1589 or 1590 under section 1594(b); or

9 “(iv) a conspiracy to violate section
10 1591 under section 1594(c);

11 “(B) who—

12 “(i) is depicted as a minor in child
13 pornography; and

14 “(ii) is a victim of a violation of 2252,
15 2252A, or 2260(b) (regardless of when the
16 violation occurs); or

17 “(C) who—

18 “(i) is depicted as an identifiable
19 minor in a visual depiction described in
20 section 1466A; and

21 “(ii) is a victim of a violation of that
22 section (regardless of when the violation
23 occurs).”.

24 (c) CIVIL REMEDY AGAINST ONLINE PLATFORMS
25 AND APP STORES.—

1 (1) IN GENERAL.—Chapter 110 of title 18,
2 United States Code, is amended by inserting after
3 section 2255 the following:

4 **“§ 2255A. Additional remedy for certain victims of**
5 **child pornography or child sexual exploi-**
6 **tation**

7 “(a) IN GENERAL.—

8 “(1) PROMOTION OR AIDING AND ABETTING OF
9 CERTAIN VIOLATIONS.—Any person who is a victim
10 of the intentional, knowing, or reckless promotion, or
11 aiding and abetting, of a violation of section 1591 or
12 1594(c) (involving a minor), or section 2251, 2251A,
13 2252, 2252A, or 2422(b), where such promotion, or
14 aiding and abetting, is by a provider of an inter-
15 active computer service or an app store, and who
16 suffers personal injury as a result of such promotion
17 or aiding and abetting, regardless of when the injury
18 occurred, may bring a civil action in any appropriate
19 United States District Court for relief set forth in
20 subsection (b).

21 “(2) ACTIVITIES INVOLVING CHILD PORNOG-
22 RAPHY.—Any person who is a victim of the inten-
23 tional, knowing, or reckless hosting or storing of
24 child pornography or making child pornography
25 available to any person by a provider of an inter-

1 active computer service, and who suffers personal in-
2 jury as a result of such hosting, storing, or making
3 available, regardless of when the injury occurred,
4 may bring a civil action in any appropriate United
5 States District Court for relief set forth in sub-
6 section (b).

7 “(b) RELIEF.—In a civil action brought by a person
8 under subsection (a)—

9 “(1) the person shall recover the actual dam-
10 ages the person sustains or liquidated damages in
11 the amount of \$300,000, and the cost of the action,
12 including reasonable attorney fees and other litiga-
13 tion costs reasonably incurred; and

14 “(2) the court may, in addition to any other re-
15 lief available at law, award punitive damages and
16 such other preliminary and equitable relief as the
17 court determines to be appropriate, including a tem-
18 porary restraining order, a preliminary injunction, or
19 a permanent injunction ordering the defendant to
20 cease the offending conduct.

21 “(c) STATUTE OF LIMITATIONS.—There shall be no
22 time limit for the filing of a complaint commencing an
23 action under subsection (a).

24 “(d) VENUE; SERVICE OF PROCESS.—

1 “(1) VENUE.—Any action brought under sub-
2 section (a) may be brought in the district court of
3 the United States that meets applicable require-
4 ments relating to venue under section 1391 of title
5 28.

6 “(2) SERVICE OF PROCESS.—In an action
7 brought under subsection (a), process may be served
8 in any district in which the defendant—

9 “(A) is an inhabitant; or

10 “(B) may be found.

11 “(e) RELATION TO SECTION 230 OF THE COMMU-
12 NICATIONS ACT OF 1934.—Nothing in section 230 of the
13 Communications Act of 1934 (47 U.S.C. 230) shall be
14 construed to impair or limit any claim brought under sub-
15 section (a).

16 “(f) RULES OF CONSTRUCTION.—

17 “(1) APPLICABILITY TO LEGAL PROCESS OR OB-
18 LIGATION.—Nothing in this section shall be con-
19 strued to apply to any good faith action that is nec-
20 essary to comply with a valid court order, subpoena,
21 search warrant, statutory obligation, or preservation
22 request from law enforcement.

23 “(2) APPLICATION OF SECTION 2258B.—A civil
24 action brought under subsection (a) shall be subject
25 to section 2258B.

1 “(g) ENCRYPTION TECHNOLOGIES.—

2 “(1) IN GENERAL.—None of the following ac-
3 tions or circumstances shall serve as an independent
4 basis for liability under subsection (a):

5 “(A) Utilizing full end-to-end encrypted
6 messaging services, device encryption, or other
7 encryption services.

8 “(B) Not possessing the information nec-
9 essary to decrypt a communication.

10 “(C) Failing to take an action that would
11 otherwise undermine the ability to offer full
12 end-to-end encrypted messaging services, device
13 encryption, or other encryption services.

14 “(2) CONSIDERATION OF EVIDENCE.—Evidence
15 of actions or circumstances described in paragraph
16 (1) shall be admissible in a civil action brought
17 under subsection (a) if—

18 “(A) the actions or circumstances are rel-
19 evant under rules 401 and 402 of the Federal
20 Rules of Evidence to—

21 “(i) prove motive, intent, preparation,
22 plan, absence of mistake, or lack of acci-
23 dent; or

24 “(ii) rebut any evidence or factual or
25 legal claim; and

1 “(B) the actions or circumstances—

2 “(i) are otherwise admissible under
3 the Federal Rules of Evidence; and

4 “(ii) are not subject to exclusion
5 under rule 403 or any other rule of the
6 Federal Rules of Evidence.

7 “(3) NO EFFECT ON DISCOVERY.—Nothing in
8 paragraph (1) or (2) shall be construed to create a
9 defense to a discovery request or otherwise limit or
10 affect discovery in any civil action brought under
11 subsection (a).

12 “(h) DEFENSE.—In a civil action under subsection
13 (a)(2) involving knowing or reckless conduct, it shall be
14 a defense at trial, which the provider of an interactive
15 computer service must establish by a preponderance of the
16 evidence as determined by the finder of fact, that—

17 “(1) the provider disabled access to or removed
18 the child pornography within a reasonable time-
19 frame, and in any event not later than 48 hours
20 after obtaining knowledge that the child pornog-
21 raphy was being hosted, stored, or made available by
22 the provider (or, in the case of a provider that, for
23 the most recent calendar year, averaged fewer than
24 10,000,000 active users on a monthly basis in the
25 United States, within a reasonable timeframe, and

1 in any event not later than 2 business days after ob-
2 taining such knowledge);

3 “(2) the provider exercised a reasonable, good
4 faith effort to disable access to or remove the child
5 pornography but was unable to do so for reasons
6 outside the provider’s control; or

7 “(3) it is technologically impossible for the pro-
8 vider to disable access to or remove the child por-
9 nography without compromising encryption tech-
10 nologies.

11 “(i) SANCTIONS FOR REPEATED BAD FAITH CIVIL
12 ACTIONS OR DEFENSES.—

13 “(1) DEFINITIONS.—In this subsection:

14 “(A) BAD FAITH CIVIL ACTION.—The term
15 ‘bad faith civil action’ means a civil action
16 brought under subsection (a) in bad faith where
17 the finder of fact determines that at the time
18 the civil action was filed, the party, attorney, or
19 law firm described in paragraph (2) had actual
20 knowledge that—

21 “(i) the alleged conduct did not in-
22 volve any minor; or

23 “(ii) the alleged child pornography did
24 not depict—

25 “(I) any minor; or

1 “(II) sexually explicit conduct,
2 sexual suggestiveness, full or partial
3 nudity, or implied sexual activity.

4 “(B) BAD FAITH DEFENSE.—The term
5 ‘bad faith defense’ means a defense in a civil
6 action brought under subsection (a) raised in
7 bad faith where the finder of fact determines
8 that at the time the defense was raised, the
9 party, attorney, or law firm described in para-
10 graph (3) had actual knowledge that the de-
11 fense—

12 “(i) was made solely for the purpose
13 of delaying the civil action or increasing
14 the costs of the civil action; or

15 “(ii) was objectively baseless in light
16 of the applicable law or facts at issue.

17 “(2) BAD FAITH CIVIL ACTION.—In the case of
18 a civil action brought under subsection (a), the court
19 may impose sanctions on—

20 “(A) the party bringing the civil action if
21 the court finds that the party has brought 2 or
22 more bad faith civil actions (which may include
23 the instant civil action); or

24 “(B) an attorney or law firm representing
25 the party bringing the civil action if the court

1 finds that the attorney or law firm has rep-
2 resented—

3 “(i) a party who has brought 2 or
4 more bad faith civil actions (which may in-
5 clude the instant civil action); or

6 “(ii) 2 or more parties who have each
7 brought a bad faith civil action (which may
8 include the instant civil action).

9 “(3) BAD FAITH DEFENSE.—In the case of a
10 civil action brought under subsection (a), the court
11 may impose sanctions on—

12 “(A) the party defending the civil action if
13 the court finds that the party has raised 2 or
14 more bad faith defenses (which may include 1
15 or more defenses raised in the instant civil ac-
16 tion); or

17 “(B) an attorney or law firm representing
18 the party defending the civil action if the court
19 finds that the attorney or law firm has rep-
20 resented—

21 “(i) a party who has raised 2 or more
22 bad faith defenses (which may include 1 or
23 more defenses raised in the instant civil ac-
24 tion); or

1 “(ii) 2 or more parties who have each
2 raised a bad faith defense (which may in-
3 clude a defense raised in the instant civil
4 action).

5 “(4) IMPLEMENTATION.—Rule 11(c) of the
6 Federal Rules of Civil Procedure shall apply to sanc-
7 tions imposed under this subsection in the same
8 manner as that rule applies to sanctions imposed for
9 a violation of rule 11(b) of those Rules.

10 “(5) RULES OF CONSTRUCTION.—

11 “(A) RULE 11.—This subsection shall not
12 be construed to limit or expand the application
13 of rule 11 of the Federal Rules of Civil Proce-
14 dure.

15 “(B) DEFINITION CHANGE.—Paragraph
16 (1)(A)(ii) shall not be construed to apply to a
17 civil action affected by a contemporaneous
18 change in the law with respect to the definition
19 of ‘child pornography’.

20 “(j) DEFINITIONS.—In this section:

21 “(1) APP.—The term ‘app’ means a software
22 application or electronic service that may be run or
23 directed by a user on a computer, a mobile device,
24 or any other general purpose computing device.

1 “(2) APP STORE.—The term ‘app store’ means
2 a publicly available website, software application, or
3 other electronic service that—

4 “(A) distributes apps from third-party de-
5 velopers to users of a computer, a mobile de-
6 vice, or any other general purpose computing
7 device; and

8 “(B) operates—

9 “(i) through the use of any means or
10 facility of interstate or foreign commerce;
11 or

12 “(ii) in or affecting interstate or for-
13 eign commerce.

14 “(3) INTERACTIVE COMPUTER SERVICE.—The
15 term ‘interactive computer service’ means an inter-
16 active computer service, as defined in section 230(f)
17 of the Communications Act of 1934 (47 U.S.C.
18 230(f)), that operates—

19 “(A) through the use of any means or fa-
20 cility of interstate or foreign commerce; or

21 “(B) in or affecting interstate or foreign
22 commerce.

23 “(k) SAVINGS CLAUSE.—Nothing in this section, in-
24 cluding the defenses under this section, shall be construed
25 to apply to any civil action brought under any other Fed-

1 eral law, rule, or regulation, including any civil action
2 brought against a provider of an interactive computer
3 service or an app store under section 1595 or 2255.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions for chapter 110 of title 18, United States
6 Code, is amended by inserting after the item relating
7 to section 2255 the following:

“2255A. Additional remedy for certain victims of child pornography or child sexual exploitation.”.

8 **SEC. 6. SEVERABILITY.**

9 If any provision of this Act, an amendment made by
10 this Act, or the application of such provision or amend-
11 ment to any person or circumstance is held to be unconsti-
12 tutional, the remainder of this Act and the amendments
13 made by this Act, and the application of the provision or
14 amendment to any other person or circumstance, shall not
15 be affected.

16 **SEC. 7. CONTINUED APPLICABILITY OF FEDERAL, STATE,**
17 **AND TRIBAL LAW.**

18 (a) FEDERAL LAW.—Nothing in this Act or the
19 amendments made by this Act, nor any rule or regulation
20 issued pursuant to this Act or the amendments made by
21 this Act, shall affect or diminish any right or remedy for
22 a victim of child pornography or child sexual exploitation
23 under any other Federal law, rule, or regulation, including

1 any claim under section 2255 of title 18, United States
2 Code, with respect to any individual or entity.

3 (b) STATE OR TRIBAL LAW.—Nothing in this Act or
4 the amendments made by this Act, nor any rule or regula-
5 tion issued pursuant to this Act or the amendments made
6 by this Act, shall—

7 (1) preempt, diminish, or supplant any right or
8 remedy for a victim of child pornography or child
9 sexual exploitation under any State or Tribal com-
10 mon or statutory law; or

11 (2) prohibit the enforcement of a law governing
12 child pornography or child sexual exploitation that is
13 at least as protective of the rights of a victim as this
14 Act and the amendments made by this Act.