of Health and Human Services to carry out a national project to prevent and cure Parkinson's, to be known as the National Parkinson's Project, and for other purposes.

S. 1068

At the request of Mr. CRUZ, the name of the Senator from Alabama (Ms. BURRT) was added as a cosponsor of S. 1068, a bill to ensure that State and local law enforcement officers are permitted to cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

S. 1125

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1125, a bill to authorize an electronic health record modernization program of the Department of Veterans Affairs and increase oversight and accountability of the program to better serve veterans, medical professionals of the Department, and taxpayers, and for other purposes.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1152, a bill to focus limited Federal resources on the most serious offenders.

S. 1184

At the request of Mrs. BLACKBURN, the names of the Senator from Montana (Mr. DAINES) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 1184, a bill to direct the Comptroller General of the United States to conduct a study to evaluate the activities of sister city partnerships operating within the United States, and for other purposes.

S. CON. RES. 7

At the request of Mr. CARDIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. Kaine) were added as cosponsors of S. Con. Res. 7, a concurrent resolution condemning Russia's unjust and arbitrary detention of Russian opposition leader Vladimir Kara-Murza who has stood up in defense of democracy, the rule of law, and free and fair elections in Russia.

S. RES. 128

At the request of Ms. KLOBUCHAR, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Oklahoma (Mr. LANKFORD) were added as cosponsors of S. Res. 128, a resolution condemning the Russian Federation's kidnapping of Ukrainian children.

S. RES. 133

At the request of Ms. BALDWIN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of a resolution honoring the 30th anniversary of the National Guard Youth Challenge Program.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGERTY (for himself, Mr. RISCH, Mr. LEE, Ms. LUMMIS, Mrs. HYDE-SMITH, Mrs. BLACKBURN, Mr. MARSHALL, Mr. DAINES, Mr. BUDD, Mr. CRAPO, and Mr. YOUNG):

S. 1192

To amend the Public Health Service Act to provide the Secretary of Health and Human Services with the authority to suspend the right to introduce certain persons or property into the United States in the interest of public health; to the Committee on Health, Education, Labor, and Pensions.

Mr. HAGERTY. Madam President, in February, the Biden administration argued to the U.S. Supreme Court that title 42 will terminate in May of 2023 with the expiration of the COVID-19 public health emergency.

Removing one of the last tools available to Border Patrol agents during a record-shattering border crisis is intolerable. Congress should not stand by and refuse to address this obvious problem.

Title 42 authority was initially based on the pandemic, and while I agree that the pandemic is over, the border crisis and the deadly drug overdose crisis that it fuels are worse than ever.

Whether to maintain border security policy should not depend on whether there is a pandemic. That is why I am reintroducing the Stop Fentanyl Border Crisis Act. This legislation would preserve continued use of title 42 authority to combat drug trafficking at the border.

Clearly, the deadly epidemic has not ended. Deadly fentanyl is flooding American communities—deadly fentanyl, produced with the help of the Chinese Communist Party and smuggled by drug cartels across our southern border.

More than 100,000 Americans died of drug overdoses in the last 12 months, most of them from synthetic opioids like fentanyl. It is the No. 1 cause of death for Americans between the ages of 18 and 45.

The rise in fentanyl overdoses and deaths affects every State and congressional district. It kills the young and the old, the rich and the poor, in cities and in small towns alike. It is not a partisan issue, and finding a solution shouldn't be partisan either.

When I talk to Tennessee sheriffs, they tell me that fentanyl is becoming more and more lethal, how a so-called "bad batch" can kill dozens of people. Once this deadly substance arrives in American communities, it is too late.

We have to stop it before it crosses our borders. That is why I have reintroduced this legislation to combat drug smuggling.

When I travel to the border, Border Patrol agents tell me that the drug cartels have been exploiting the 30th anniversary of the National Guard Youth Challenge Program in order to move more fentanyl across the southern border. We cannot allow this to happen.

My legislation simply adds drug smuggling as an additional basis for using title 42 authorities to help Border Patrol agents stop drug traffickers.

This should not be controversial.

Yet, last Congress, Democrats blocked its passage three times on the Senate floor. Now that we are staring down at the end of title 42, it is time to pass this bill. I hope my colleagues across the aisle will not let title 42 expire without action. We must protect the border security tools we have to stop the fentanyl flowing across our southern border before more lives are lost.

By Mr. DURBIN:

S. 1199. A bill to combat the sexual exploitation of children by supporting victims and promoting accountability and transparency by the tech industry; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, there is a grave threat to America's future lurking online. Big Tech giants and other online platforms are working every day to capture the minds of our children in order to pad their profits.

Toddlers, before they can walk or barely talk, have learned to reach out and touch that bright little screen. Mothers and fathers on car rides and plane trips trust that little screen will buy them quiet time. Captivated, mesmerized, even hypnotized, the screen experience continues. And unless parents are very careful, it can go from bad to worse. It starts with music and games, which many of the parents find harmless. As the child grows up and graduates to a cell phone, there is an opportunity to move to a new level of information and communication.

Let's face it, even the most caring, conscientious parent struggles to keep up with all the apps and options. And the producers of these online experiences are determined to work on the brains of these children, capture their...
little customers in the process, and pad their profits.

So who is protecting our kids from internet profiteers and predators? I am sorry to say, almost no one. In fact, our laws are written to protect the predators.

Clearly, every child can benefit from a safe online experience. They can make friends, expand their knowledge, learn skills. But social media, we all know, has a dangerous dark side. Innocent teens are lured into online environments and powerful algorithms working to keep them there. Unsuspecting kids can be sexually exploited and their childhood images captured forever by predators and profit-taking abusers.

Drug pushers no longer search for playgrounds to sell deadly narcotics. Two clicks on the internet bring them their new young customers. Many children are bullied and harassed online or pressured into dangerous, deadly behavior.

Rose Bronstein is a mother from Chicago. She knows how cruel and dangerous the online world can be. Rose’s son Nate was a 10th grader at a private school when he started being taunted by classmates using Texts and Snapchat. The bullying of her son was vicious, and it included messages urging Nate to kill himself. Nate died by suicide at the age of 15.

We have known for years about the online dangers to children’s privacy and safety. We have talked a lot about them. We have even held hearings in Congress about them. Journalists have written so many articles about the dangers, but the problem has only grown worse.

Research into exactly how social media use affects children is still in its early stage, largely because of Big Tech’s failure to adequately monitor, report, and prevent violation of children’s privacy and safety. But a picture is emerging, and it is alarming.

This chart tells a story. The gold line you see here shows the amount of time teenagers spend scrolling through social media and watching online videos. According to Common Sense, a group that tracks media use by young kids and teens, kids spend an average of nearly 3 hours a day on sites like Instagram, Snapchat, TikTok, and YouTube. That is a nearly 60-percent increase in the last 6 years.

This gold line shows that an increase in teens’ use of social media has been accompanied by a sharp spike in teen depression. According to the CDC, between 2013 and 2021, the percentage of teens who reported persistent feelings of sadness or hopelessness shot up 42 percent—between 2013 and 2021.

The blue line shows what happens with girls’ mental health. Today, nearly one in three girls in America say they have seriously considered suicide. That is a 34-percent spike in the past decade.

We have given tech companies nearly three decades to police themselves. They have failed miserably, and our children are paying the price. Our teenagers are in a mental health crisis.

Congress must impose stronger, enforceable online protections for kids. Our children are not commodities, and we can’t continue to expect parents and victims alone to stand up to Big Tech with few ways to hold tech companies accountable.

Two months ago, the Senate Judiciary Committee, which I chair, held a hearing to hear children’s safety. We heard powerful testimony from those working to increase children’s privacy and safety online. They included law enforcement, the National Center for Missing & Exploited Children, the American Psychological Association, and the child internet safety advocacy organization known as Fairplay.

We also heard from victims. The stories were frightening, frightening to every parent and every grandparent, and heartbreaking.

Charlotte— and I am using a pseudonym here—didn’t attend the hearing, but she has allowed me to tell her story in the hope that it may help others who have been victimized online, as she has been for many years.

Charlotte was 16 years old when she first visited a social media site that a friend told her about. It sounded so exciting, she said, a place where she could meet people from all over the world. Within weeks, she was the target of online abuse, and she recognized it immediately. It is used by tens of millions of people every single day.

Among the people Charlotte met online was a man who showered her with attention and compliments, gained her trust, and eventually enticed Charlotte into performing sex acts for him over the webcam and sending explicit videos to him.

Maybe that sounds shocking to you, but hello! This chart shows that over one-third of teenagers today believe that it is normal to share the same sorts of images and videos that Charlotte shared online—one-third. She was still in high school when the online harassment began. First came anonymous emails, then a phone call to her parents’ house calling her vile names. Eventually, the images she shared with that man she thought was a friend would be posted on more than 100 websites around the world, often with her name and identifiable information included.

Charlotte filed her first of six police reports about the images when she reached the age of 18. Eventually, she, her mother, her boyfriend, and child safety groups would file hundreds of reports with social media providers around the world trying to get these horrible images taken down, often to no avail.

While she was in college studying to be a teacher—her lifelong dream—the images were posted again, along with her name and the name of her college. When the university found out about it, it canceled her student teaching placement and threatened to withhold her degree.

She was a teacher of special education at a middle school when one of her students saw the images again online. Charlotte told her principal. She was fired a few days later.

Again and again, it was Charlotte who was blamed, not the abusers who tormented her online. Over the years, Charlotte tried to live her own life. It has now been 14 years since she met that predator online, but the images continue to circulate again and again. The abuse never stops, and Charlotte says she doubts she will ever feel safe again.

This Senate can help Charlotte and countless other young people who are sexually abused online each year by passing a bill that I am introducing today. It is called the Stop CSAM Act. USAM, C-S-A-M, stands for “child sexual abuse material.” Federal law still uses the old term—“pornography,” “child pornography”—but that is misleading because pornography implies consent, and children under the age of 18 cannot legally consent to the creation or sharing of sexually explicit images of themselves.

So these images are, by definition, evidence of a crime. Yet, under current law, it is extremely difficult to bring lawsuits against tech companies that allow child sexual abuse materials to be posted on their websites.

How can this be, you ask? Here is how. The Communications Decency Act of 1996—remember that year—contains a section, section 230, that offers near-total immunity to Big Tech. As a result, victims like Charlotte have no way to force tech companies to remove content posted on their sites—not even the child sexual abuse horrific images.

My bill, the Stop CSAM Act, is going to change that. It would protect victims and promote accountability within the tech industry. Companies that fail to remove CSAM and related imagery after being notified about them would face significant fines. They would also be required to produce annual reports detailing their efforts to keep children safe from online sex predators, and any company that promotes or facilitates online child exploitation could face new criminal and civil penalties.

When section 230 was created in 1996, Mark Zuckerberg was in the sixth grade. Facebook and social media sites didn’t even exist. It is time that we rewrite the law to reflect the reality of today’s world.

A bipartisan bill sponsored by Senator Graham and Blumenthal would also help to do that. It is called the EARN IT Act, and it would let CSAM victims—these child sexual abuse victims—have their day in court by amending section 230 to eliminate Big Tech’s near-total immunity from liability and responsibility.

When we learned two decades ago that Big Tobacco was lying about their
The bill was ordered to be printed in the RECORD.

The court dismissed the lawsuit, and what did they cite? Section 230, our law even their own safety standard.

They have the bipartisan support in the Senate to protect our children and grandchildren online. It is time that we use it.

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(ii) in the case of a State in which a law described in clause (i) that defines ‘‘child abuse’’ is not in effect, has the meaning given in the term in section 226(c) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 2094(c)).

(C) COVERED ENTITY.—The term ‘‘covered entity’’ means any institution, program, or organization that provides any care, treatment, education, training, instruction, religious guidance, supervision, or recreational opportunities to a child.

(D) ICAC GRANT PROGRAM.—The term ‘‘ICAC Grant Program’’ means the grant program under section 106 of the PROTECT Our Children Act of 2008 (34 U.S.C. 21116).

(E) ICAC TASK FORCE.—The term ‘‘ICAC Task Force’’ means a task force that is part of the National Internet Crimes Against Children Program, established under section 102 of the PROTECT Our Children Act of 2008 (34 U.S.C. 21112).

(F) ELIGIBLE ICAC TASK FORCE.—The term ‘‘Eligible ICAC Task Force’’ means an ICAC Task Force that—

(1) was established on or before the date of enactment of this Act; and

(2) has in a law that—

(i) is recognized as privileged;

(ii) is not subject to any exception; and

(iii) has attained the age of 18 years;

and in any event not later than 48 hours after the mandatory reporter learns of the facts that give reason to suspect that a child has suffered an incident of child abuse, the mandatory reporter shall report the suspected child abuse to a law enforcement agency, a child protective services agency, or both.

(F) RULE OF CONSTRUCTION.—Nothing in paragraph (9)(D) shall be construed to require an ICAC Task Force seeking the waiver described in paragraph (9)(D)(v) to carry out this subsection that is not for compensation, to report any information about the law described in paragraph (1)(F)(ii).

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2024 through 2028.

SEC. 3. PROTECTING CHILD VICTIMS AND WITNESSES IN FEDERAL COURT.

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

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking ‘‘or exploitation, or kidnapping, including international parental kidnapping’’;

(B) in paragraph (3), by striking ‘‘physical or mental injury, psychological abuse’’;

(C) by striking paragraph (5) and inserting the following:

‘‘(5) the term ‘psychological abuse’ includes—‘‘(A) a pattern of acts, threats of acts, or coercive tactics intended to degrade, humiliate, intimidate, or terrorize a child; and’’;

‘‘(B) the infliction of trauma on a child through—’’;

(i) isolation;

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

(iii) physical restraint; or

(iv) the confinement of the child without the child’s consent and in degrading conditions;’’;

(D) in paragraph (6), by striking ‘‘child prostitution’’ and inserting ‘‘child sex trafficking;’’;

(E) by striking paragraph (7) and inserting the following:

‘‘(7) the term ‘multidisciplinary child abuse team’ means a professional unit of individuals working together to investigate child abuse and provide assistance and support to a victim of child abuse, composed of

(A) health, social service, and legal service agencies that represent the child;

(B) law enforcement agencies and prosecutorial offices; and

(C) children’s advocacy centers;’’;

(F) in paragraph (9)(D)—

(i) by striking ‘‘genitals and inserting ‘‘anus, genitals;’’ and

(ii) by striking ‘‘or animal;’’

(G) in paragraph (11), by striking ‘‘and’’ at the end;

(H) in paragraph (12)–

(i) by striking ‘‘the term ‘child abuse’ does not’’ and inserting ‘‘the terms ‘physical injury, mental trauma, or psychological abuse’ do not’’; and

(ii) by striking the period and inserting a semicolon; and

(I) by adding at the end the following:

‘‘(ii) a witness to a crime committed against another person; and

‘‘(iii) a victim or is alleged to be—’’;

(iii) a witness to a crime committed against another person; and

(iv) a victim or is alleged to be—’’.

(b) APPLICATION.—An Eligible ICAC Task Force seeking the waiver described in paragraph (a) and a supplemental grant shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including any information about the law described in paragraph (1)(F)(ii).

(c) RULE OF CONSTRUCTION.—Nothing in paragraph (3)(F) shall be construed to require a State to have in effect a law that requires an individual who engages in privileged communication through the individual’s work, whether or not for compensation, to report any information exclusively received in the context of a privileged communication.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2024 through 2028.

SEC. 4. ELIGIBLE ICAC TASK FORCE.

(a) IN GENERAL.—The Attorney General shall award grants (referred to in this subsection as ‘‘supplemental grants’’) to an Eligible ICAC Task Force in addition to any grants distributed to the Eligible ICAC Task Force under the ICAC Grant Program.

(b) GRANT AMOUNT.—The amount of a supplemental grant awarded to an Eligible ICAC Task Force shall be not less than 10 percent of the average amount of the 3 most recent grants awarded to the Eligible ICAC Task Force under the ICAC Grant Program.

(c) REMAINING FUNDS.—Any amounts appropriated to carry out this subsection that are not used to fund any grants pursuant to section 106(a)(3)(B) of the PROTECT Our Children Act of 2008 (34 U.S.C. 21116(a)(3)(A)) are available to the Attorney General to award grants to the Eligible ICAC Task Force for not more than 4 fiscal years.

(d) NUMBER OF SUPPLEMENTAL GRANTS.—The Attorney General may provide a supplemental grant to an Eligible ICAC Task Force for not more than 4 fiscal years.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2024 through 2028.

S1260
(vi) in subparagraph (E), by striking “videotaped” and inserting “recorded”; and
(vii) in subparagraph (F), by striking “videotape” each place the term appears and inserting “a covered person’s protected information”; and

(3) in subsection (d)

(A) in paragraph (1)(A)—

(i) in clause (i), by striking “the name of or any other information concerning a child” and inserting “a covered person’s protected information”; and
(ii) in clause (ii), by striking “by inserting ‘‘a child witness, and the following:

(‘‘A’’ in the same manner as disobedience or resistance to a lawful court order under section 401(3).”;
(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking “a child public disclosure of the name of or any other information concerning a child” and inserting “a covered person’s protected information from public disclosure”; and
(II) by striking “and” if the court determines that there is a significant possibility that such disclosure would be detrimental to the child;”;
(ii) in subparagraph (B)—

(I) by striking “as clauses (i) and (ii), respectively, and inserting “as clauses (i) and (ii), respectively,”;
(II) by striking “and” and inserting “and”;
(iii) by striking “All papers” and inserting “All documents described in subsection (b),”;

(B) in paragraph (4)—

(i) by striking “This subsection” and inserting “‘‘(A) in subsection (b)—

(ii) by striking “the name of or any other information concerning a child” and inserting “the covered person’s protected information concerning a child’’ and inserting “the covered person’s protected information’’; and
(iii) by adding at the end the following:

‘‘(1) PROBATION OFFICER.—In preparing the presentation report pursuant to rule 32(c) of the Federal Rules of Criminal Procedure, the probation officer shall request information from the multidisciplinary child abuse team, if applicable, or other appropriate sources to determine the impact of the offense on a child victim and any other children who may have been affected by the offense.”

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

(A) make every effort to obtain and report information that accurately expresses the views of a child victim, and the views of family members as appropriate, concerning the impact of the offense; and
(B) use forms that permit a child victim to express the child’s views concerning the personal consequences of the offense, at a level and in a form of communication commensurate with the child’s age and ability.’’;

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

‘‘(4) AUTHORIZATION OF APPOINTMENTS.—

(A) IN GENERAL.—There is authorized to be appropriated to the United States courts to carry out this subsection $25,000,000 for each fiscal year.

(B) SUPERVISION OF PAYMENTS.—Payments from appropriations authorized under subsection (A) shall be made under the supervision of the Director of the Administrative Office of the United States Courts.’’;

(6) in subsection (l)—

(A) by striking “child testifying at or attending a judicial proceeding and inserting the following:

‘‘(1) In GENERAL.—A child testifying at a judicial proceeding shall be accompanied by an adult attendant, a law enforcement agency for any intelligence or investigative purpose, or”;
(II) by striking “and” and inserting “and”;
(iii) by adding at the end the following:

‘‘(3) COVERED PERSONS ATTENDING PROCEEDING.—A covered person shall have the right to be accompanied by an adult attendant when attending any judicial proceeding.”;

(7) in subsection (j)—

(A) by striking “(1) each place the term appears and inserting “covered person”;
(B) in the fourth sentence—

(i) by striking “and the potential” and inserting “the potential’’;
(ii) by striking “child’s” and inserting “covered person’s’’;
(iii) by inserting before the period at the end the following:

‘‘(8) in subsection (k), by striking “child” each place the term appears and inserting “covered person’’;

(9) in subsection (l), by striking “child each place the term appears and inserting “covered person’’;

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

SEC. 4. FACILITATING PAYMENT OF RESTITUTION; TECHNICAL AMENDMENTS TO RESTITUTION STATUTES.

Title 18, United States Code, is amended—

(1) in section 1593(c)—

(A) by inserting “(1)” after “(c)”;
(B) by striking “chapter, including, in” and inserting the following: “chapter, in”;

(2) in section 2248(c)—

(A) by striking “For purposes” and inserting the following:

‘‘(1) IN GENERAL.—For purposes’’;
(B) by striking “chapter, including, in” and inserting the following: “chapter.”

(3) ASSUMPTION OF CRIME VICTIM’S RIGHTS.—In;

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

(4) in section 2252A(c)—

(A) by striking “(1)” after “(c)”;
(B) by striking “For purposes” and inserting the following: “For purposes”;

(5) in subsection (k), by striking “directions.—Except as provided in paragraph (2), the” and inserting “restitution for child pornography production.—If the defendant convicted of child pornography production, the”;

(ii) by adding in close physical proximity to or in contact with the child while the child testifies—

‘‘(A) at a judicial proceeding, a video recording of the adult attendant shall be made and such video shall be made part of the record; or
(B) in a manner described in subsection (b), the adult attendant shall be visible on the closed-circuit television or in the record;

(9) in subsection (l), by striking “(9)” after “(l)”.

(10) in section 2252A(g) if the series of felony violations does not involve fewer than 1 violation—
(i) described in subparagraph (A), (B), (E), or (F) of this paragraph;
(ii) of section 1591; or
(iii) of section 1201, chapter 109A, or chapter 117, if the victim is under the age of 18 at the time of the proceeding;
(ii) incompetent or incapacitated; or
(iii) subject to paragraph (3), a foreign citizen or stateless person residing outside the United States.
(2) ORDER.—When the court appoints a trustee or other fiduciary under paragraph (1), the court shall issue an order specifying—
(A) the duties of the trustee or other fiduciary, which shall include—
(i) the administration of the trust or maintaining the official account in the best interests of the victim; and
(ii) disburse payments from the trust or account—
(I) to the victim; or
(II) to any individual or entity on behalf of the victim;
(B) that the trustee or other fiduciary—
(i) shall avoid any conflict of interest; and
(ii) may not profit from the administration of the trust or maintaining the official account for the benefit of the victim other than as specified in the order; and
(C) may not delegate administration of the trust or maintaining the official account to any other person.
(C) if and when the trust or the duties of the other fiduciary will expire; and
(D) the fees payable to the trustee or other fiduciary to cover expenses of administering the trust or maintaining the official account for the benefit of the victim other than as specified in the order, and the schedule for payment of such fees.
(3) FACT-FINDING REGARDING FOREIGN CITIZENS AND STATELESS PERSON.—In the case of a victim who is a foreign citizen or stateless person residing outside the United States and is not under the age of 18 at the time of the proceeding or incompetent or incapacitated, the court may appoint a trustee or other fiduciary under paragraph (1) only if the court finds it necessary to—
(A) protect the safety or security of the victim;
(B) provide a reliable means for the victim to access or benefit from the restitution payments.
(4) PAYMENT OF FEES.—
(A) IN GENERAL.—The court may, with respect to the fees of the trustee or other fiduciary—
(i) pay the fees in whole or in part; or
(ii) order the defendant to pay the fees in whole or in part.
(B) APPLICABILITY OF OTHER PROVISIONS.—With respect to a court order under subparagraph (A), requiring a defendant to pay fees—
(i) subsection (f)(3) shall apply to the court order in the same manner as that subparagraph applies to a sentence of a fine; and
(ii) subsection B of chapter 229 shall apply to the court order in the same manner as that chapter applies to the implementation of a sentence of a fine.
(C) EFFECT ON OTHER PENALTIES.—Imposition of a payment under subparagraph (A) shall not relieve a defendant to a reduction in the amount of, any special assessment, restitution, other fines, penalties, or costs, or other payments required under the defendant’s sentence.
(D) SCHEDULE.—Notwithstanding any other provision of law, if the court orders the defendant to make any such payment under subparagraph (A), the court may provide a payment schedule that is concurrent with the payment of any other financial obligation described in subsection (a).
(E) AUTHORIZATION OF APPROPRIATIONS.—
(A) IN GENERAL.—There is authorized to be appropriated to the United States courts to carry out this subsection $15,000,000 for each fiscal year.
(B) SUPERVISION OF PAYMENTS.—Payments from appropriations authorized under subparagraph (A) shall be supervised by the Director of the Administrative Office of the United States Courts.

SEC. 5. CYBERTIPLINE IMPROVEMENTS, AND ACCOUNTABILITY.

BY THE TECH INDUSTRY.

(iii) in paragraph (2), as so designated, by inserting “may assume the rights of the crime victim under this section” after “suitable by the court”; and
(iv) insert “section 3571 (other than section 3571)” after “court order” in the end.

(q) TRUSTEE OR OTHER FIDUCIARY.—
(1) IN GENERAL.—
(A) APPOINTMENT OF TRUSTEE OR OTHER FIDUCIARY.—When the court issues an order of restitution under section 1593, 2248, 2259, 2429, or 3663, or subparagraphs (A)(i) and (B) of section 3663A(c)(1), for a victim described in subparagraph (A) of this paragraph, the court, at its own discretion or upon motion by the Government, may appoint a trustee or other fiduciary to hold any amount paid or required for restitution in an official account for the benefit of the victim.
(B) COVERED VICTIMS.—A victim referred to in subparagraph (A) is a victim who is—
(i) under the age of 18 at the time of the proceeding;
(ii) incompetent or incapacitated; or
(iii) subject to paragraph (3), a foreign citizen or stateless person residing outside the United States.

CONGRESSIONAL RECORD — SENATE  April 19, 2023
(i) identifying information regarding any individual who is the subject of the report, including name, address, electronic mail address, user or account identification, Internet Protocol address, and uniform resource locator;

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

(II) the detection of apparent child pornography or a planned or imminent violation;

(iii) a copy of any apparent child pornography that is the subject of the report that was identified in a publicly available location;

(iv) for each item of apparent child pornography included in the report under clause (iii) or paragraph (2)(C), information indicating whether—

(1) the reported child pornography was publicly available; or

(2) the provider, in its sole discretion, viewed the reported child pornography, or any copy thereof, at any point concurrent with or prior to the submission of the report; and

(v) for each item of apparent child pornography that is the subject of the report, an indication as to whether the child pornography—

(I) has previously been the subject of a report under paragraph (1)(A) or (3) of subsection (a); or

(II) is the subject of multiple contemporaneous reports due to rapid and widespread distribution; and

(B) may, at the sole discretion of the provider, include the information described in paragraph (2) of this subsection.

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

(A) historical reference.—Information relating to when and how a customer or subscriber of a provider uploaded, transmitted, or received content relating to the report or when and how content relating to the report was reported to, or discovered by the provider, including a date and time stamp and time zone.

(B) geographic location information.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified address, or, if not reasonably available, at least one form of geographic identifying information, including area code or phone number, provided by the customer or subscriber, or stored or obtained by the provider.

(C) apparent child pornography.—Any apparent child pornography not described in paragraph (1)(A)(iii), or other content related to the subject of the report.

(D) communication information.—The complete communication containing any apparent child pornography or other content, including—

(i) any data or information regarding the transmission of the communication; and

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

(E) technical identifier.—An industry-standard hash value or other similar industry-standard technical identifier for any reported visual depiction as it existed on the provider’s service, network, or platform.

(F) description.—For any item of apparent child pornography that is the subject of the report, an indication of whether—

(I) the depiction sexually explicit conduct involves—

(1) genital, oral, or anal sexual intercourse;

(2) bestiality;

(III) masturbation;

(IV) sadistic or masochistic abuse; or

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

(ii) the depicted minor is—

(I) an infant or toddler;

(II) prepubescent;

(III) pubescent;

(IV) post-pubescent; or

(V) of indeterminate age or developmental stage.

(c) forwarding of report and other information.

(1) in general.—Pursuant to its clearinghouse role as a private, nonprofit organization, and at the conclusion of its review of all information transmitted to it, NCMEC shall make available each report submitted under paragraph (1)(A) or (3) of subsection (a) to one or more of the following law enforcement agencies:

(A) any federal law enforcement agency that is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.

(B) any state or local law enforcement agency that is involved in the investigation of child sexual exploitation.

(C) any apparent child pornography enforcement agency designated by the attorney general under subsection (d) or a foreign law enforcement agency that has entered into a sharing relationship with the Federal Bureau of Investigation, Immigration and Customs Enforcement, or INTERPOL, and is involved in the investigation of child sexual exploitation, kidnapping, or enticement crimes.

(2) technical identifiers.—If a report submitted under paragraph (1)(A) or (3) of subsection (a) contains an industry-standard hash value or other similar industry-standard technical identifier—

(A) NCMEC may compare that hash value or identifier to a database or repository of visual depictions owned or operated by NCMEC; and

(B) if the comparison under subparagraph (A) results in a match, NCMEC may make available the matching visual depiction from its database or repository when forwarding the report to an agency described in subparagraph (A) or (B) of paragraph (1).

(B) in subsection (d)—

(i) in paragraph (2), by striking "subsection (c)(1)" and inserting "subsection (c)(1)(A);"

(ii) in paragraph (3)—

(1) in subparagraph (A), by striking "subsection (c)(3)" and inserting "subsection (c)(1)(C);"

(II) in subparagraph (C), by striking "subsection (c)(3)" and inserting "subsection (c)(1)(C);"

(III) by striking subsection (d) and inserting the following:

(e) failure to comply with requirements.

(1) criminal penalty.—

(A) offense.—It shall be unlawful for a provider to knowingly—

(I) fail to submit a report under subsection (a)(1)(A) within the time period required by that subsection; or

(ii) fail to preserve material as required under subsection (b).

(B) penalty.—

(I) in general.—A provider that violates subparagraph (A) shall be fined—

(1) in the case of an initial violation, not more than $150,000; and

(II) in the case of any second or subsequent violation, not more than $300,000.

(ii) hair or DNA samples. the maximum fine under clause (i) shall be tripled if an individual is harmed as a direct and proximate result of the applicable violation.

(2) civil penalty.—

(A) violations relating to cybertipline reports, content removal, and material preservation.—A provider shall be liable to the United States Government for a civil penalty in an amount of not less than $50,000 and not more than $100,000 if the provider knowingly—

(i) fails to submit a report under subsection (a)(1)(A) that—

(I) contains materially false or fraudulent information; or

(II) omits information described in subsection (b)(1)(A) that is reasonably available.

(II) annual report violations.—A provider shall be liable to the United States Government for a civil penalty in an amount of not less than $100,000 and not more than $1,000,000 if the provider knowingly—

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

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

(I) contains materially false or fraudulent information; or

(II) omits information described in subsection (ii)(1) that is reasonably available.

(III) failure to remove child pornography not described in subparagraph (A) or (B) shall be tripled if an individual is harmed as a direct and proximate result of the applicable violation.

(4) costs of civil actions.—A provider that commits a violation described in subparagraph (A) or (B) shall be liable to the United States Government for the costs of a civil action brought to recover a civil penalty under that subparagraph.

(5) enforcement.—This paragraph shall be enforced in accordance with sections 3731, 3732, and 3733 of title 31, except that a civil action to recover a civil penalty under subparagraph (A) or (B) shall be brought only by the United States Government.

(6) deposit of fines and penalties.—Notwithstanding any other provision of law, any criminal fine or civil penalty collected under this subsection shall be deposited into the Child Pornography Victims Reserve as provided in section 2259(c).

(B) in subsection (f), by striking paragraph (3) and inserting the following:

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

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

(B) information described in subsection (b)(2); or

(C) any apparent child pornography, including any copy of apparent child pornography removed pursuant to subsection (a)(1)(B).

(E) in subsection (g)—

(ii) in clause (ii), by inserting "or personnel at a children’s advocacy center" after "State"; and

(II) in clause (iv), by striking "State, subdivision of a State, or children’s advocacy center";

(III) in paragraph (3), in the matter preceding subparagraph (A), by inserting "paragraph (1)(A) or (3) of subsection (a)"; and

(IV) in paragraph (4), by striking "subsection (a)(1)" and inserting "paragraph (1)(A) or (3) of subsection (a)";

(F) in subsection (h)—

(i) in paragraph (1), by striking "subsection (a)(1)" and inserting "paragraph (1)(A) or (3) of subsection (a)"; and

(ii) by adding at the end the following:
(a) In general.—The Attorney General and Chair of the Federal Trade Commission shall publish the reports received under this subsection.

(b) Redaction.—A provider may request the redaction of any information that is law enforcement sensitive or otherwise not suitable for public disclosure. A redacted report shall be prepared and published by the Federal Trade Commission.

(c) Limited liability.—A provider shall only be required to submit those portions of the report described in paragraph (1)(A) or (3) of subsection (a) under that paragraph after the initial report, if the provider determines that the report may be law enforcement sensitive or otherwise not suitable for public disclosure.

(d) Publication.—

(1) In general.—The Attorney General and Chair of the Federal Trade Commission may, in their discretion, redact any such information, whether or not requested by the provider. The Attorney General and Chair of the Federal Trade Commission may, in their discretion, redact any such information, whether or not requested by the provider.

(2) Limitation on sharing with other entities.—

(i) With respect to a provider of an interactive computer service that is necessary to comply with the redaction of any information that is law enforcement sensitive or otherwise not suitable for public disclosure, the Attorney General and Chair of the Federal Trade Commission may, in their discretion, redact any such information, whether or not requested by the provider.

(3) Reporting requirements.—

(i) The provider shall submit the report described in paragraph (1)(A) or (3) of subsection (a) only if the Attorney General and Chair of the Federal Trade Commission determine that the report may be law enforcement sensitive or otherwise not suitable for public disclosure.

(ii) The redaction of any information that is law enforcement sensitive or otherwise not suitable for public disclosure shall be made in accordance with the law enforcement sensitive or otherwise not suitable for public disclosure.

(iii) The report described in paragraph (1)(A) or (3) of subsection (a) shall only be required to submit those portions of the report described in those subparagraphs.

(4) Publication.—

(A) In general.—The Attorney General and Chair of the Federal Trade Commission shall publish the reports received under this subsection.

(B) Redaction.—A provider may request the redaction of any information that is law enforcement sensitive or otherwise not suitable for public disclosure. The Attorney General and Chair of the Federal Trade Commission may, in their discretion, redact any such information, whether or not requested by the provider.

(5) Relationship to reporting requirements.—

(a) Offense.—It shall be unlawful for a provider of an interactive computer service, as that term is defined in section 230 of chapter 110 of title 18, United States Code, as substitute for an actual computer service that is necessary to comply with the law enforcement sensitive or otherwise not suitable for public disclosure, the Attorney General and Chair of the Federal Trade Commission may, in their discretion, redact any such information, whether or not requested by the provider.

(b) Clerical amendment.—

(1) The term "justice system" and "punishment system" in subsection (a) shall be interpreted to mean the term "justice system" and "punishment system" in section 2252E(2) and in paragraph (1)(A) of section 2252F.

(2) Report and remove data.—With respect to section 7 of the STOP CSAM Act of 2023—

(i) A description of the provider's designated reporting system;

(ii) The number of notifications received;

(iii) The number of proscribed visual depictions involving a minor that were removed; and

(iv) The total amount of any fine ordered and paid.

(C) Reporting by a provider of an interactive computer service that is necessary to comply with a valid court order, subpoena, search warrant, statutory obligation (7 U.S.C. 1001), or in or affecting interstate or foreign commerce, the intentional, knowing, reckless, or negligent promotion or facilitation of conduct that violates section 2252A. The provider shall submit the report described in paragraph (1)(A) or (3) of subsection (a) only if the Attorney General and Chair of the Federal Trade Commission determine that the report may be law enforcement sensitive or otherwise not suitable for public disclosure.

(4) A provider of an interactive computer service that is necessary to comply with a valid court order, subpoena, search warrant, statutory obligation (7 U.S.C. 1001), or in or affecting interstate or foreign commerce, the intentional, knowing, reckless, or negligent promotion or facilitation of conduct that violates section 2252A.
has sent over 26,000,000 notices to online providers about CSAM and other exploitive material found on their platforms. According to the Canadian Centre, some providers are slow to take down such material, or take it down only for it to be reposted again a short time later.

(7) This legislation is needed to create an easy-to-use and effective procedure to get CSAM and harmful related imagery quickly taken offline and kept offline to protect children, stop the spread of illegal and harmful images, and protect the continued invasion of the victims' privacy.

(b) IMPLEMENTATION.—

(1) IMPROVED CONTACT.—Except as provided in paragraph (2), not later than 1 year after the date of enactment of this Act, the Child Online Protection Board established under subsection (d) shall begin operations at which point providers shall begin receiving notifications as set forth in subsection (c)(2).

(2) EXTENSION.—The Commission may extend the period described in paragraph (1) by not more than 180 days if the Commission provides notice of the extension to the public and to Congress.

(c) REPORTING AND REMOVAL OF PROSCRIBED VISUAL DEPICTIONS RELATING TO CHILDREN.—

(1) IN GENERAL.—If a provider receives a complaint under section 2422(b)(6), a complaint under clause (v), or a complaint under subsection (d)(1) that the provider is hosting a proscribed visual depiction relating to a child, not later than 48 hours after such notification is received by the small provider, the provider shall:

(A) remove the proscribed visual depiction relating to a child; and

(B) notify the complainant that it has done so;

(ii) notify the complainant that it has not been able to locate, identify or locate the visual depiction that is the subject of the notification, after which no further action by the provider is required.

(III) EFFECT OF COMPLAINANT PROVIDING SUFFICIENT INFORMATION.—If a notification that is submitted to a provider under this subsection does not contain sufficient information under subparagraph (A)(i) to identify or locate the visual depiction that is the subject of the notification but does contain the complainant contact information described in subparagraph (A)(ii), the provider shall, not later than 48 hours after receiving the notification (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(II) EFFECT OF COMPLAINT PROVIDING SUFFICIENT INFORMATION.—If the provider is able to contact the complainant and obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall then proceed as described in clause (I), except that the applicable timeframes described in such paragraph shall commence on the day the provider receives the information needed to identify or locate the visual depiction.

(III) EFFECT OF COMPLAINT INABILITY TO PROVIDE SUFFICIENT INFORMATION.—If the provider is able to contact the complainant but does not obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the visual depiction (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(II) EFFECT OF COMPLAINT PROVIDING SUFFICIENT INFORMATION.—If the provider is able to contact the complainant and obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the visual depiction (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(III) EFFECT OF COMPLAINT INABILITY TO PROVIDE SUFFICIENT INFORMATION.—If the provider is able to contact the complainant but does not obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the visual depiction (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(II) EFFECT OF COMPLAINT PROVIDING SUFFICIENT INFORMATION.—If the provider is able to contact the complainant and obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the visual depiction (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(III) EFFECT OF COMPLAINT INABILITY TO PROVIDE SUFFICIENT INFORMATION.—If the provider is able to contact the complainant but does not obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the visual depiction (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(II) EFFECT OF COMPLAINT PROVIDING SUFFICIENT INFORMATION.—If the provider is able to contact the complainant and obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the visual depiction (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(III) EFFECT OF COMPLAINT INABILITY TO PROVIDE SUFFICIENT INFORMATION.—If the provider is able to contact the complainant but does not obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the visual depiction (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(II) EFFECT OF COMPLAINT PROVIDING SUFFICIENT INFORMATION.—If the provider is able to contact the complainant and obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the visual depiction (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.

(III) EFFECT OF COMPLAINT INABILITY TO PROVIDE SUFFICIENT INFORMATION.—If the provider is able to contact the complainant but does not obtain sufficient information to identify or locate the visual depiction that is the subject of the notification, the provider shall notify the complainant not later than 48 hours after the provider determines that it is unable to identify or locate the visual depiction (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to obtain such information.
S1266
CONGRESSIONAL RECORD — SENATE
April 19, 2023

(IV) EFFECT OF COMPLAINT FAILURE TO RESPOND.—If the complainant does not respond to the provider’s attempt to contact the complainant under this clause within 14 days after receiving the notification and no further attempt is made to contact the provider is required and receipt of the notification shall not be considered in determining whether the provider has actual knowledge of any information described in the notification.

(ii) TREATMENT OF INCOMPLETE NOTIFICATION WHERE COMPLAINTANT CANNOT BE CONTACTED.—If notification that is submitted by a provider has a designated reporting system, and a complaintant submits a notification under this subsection to the provider without a designated reporting system, the provider shall not be considered to have received the notification.

(E) OPTION TO CONTACT COMPLAINANT REGARDING THE PROSCRIBED VISUAL DEPICTION INVOLVING A MINOR.—

(i) CONTACT WITH COMPLAINANT.—If the provider believes that the proscribed visual depiction involving a minor referenced in the notification does not meet the definition of such term as provided in subsection (r)(10), the provider shall notify the complainant within 2 business days after receiving the notification (or, in the case of a small provider, not later than 2 business days after such notification is received by the small provider), contact the complainant via electronic mail address to so indicate.

(ii) FAILURE TO RESPOND.—If the complainant does not respond to the provider within 14 days after receiving the notification, no further action by the provider is required and receipt of the notification shall not be considered in determining whether the provider has actual knowledge of any information described in the notification.

(iii) FAILURE TO PROVIDE PERSONAL INFORMATION CONCERNING PROVIDER.—If the complainant responds to the provider within 14 days after receiving the notification, the provider shall then proceed as set forth in paragraph (ii) (or if the provider is unable to contact the complainant using such information), no further action by the provider is required and receipt of the notification shall not be considered in determining whether the provider has actual knowledge of any information described in the notification.

(III) TREATMENT OF NOTIFICATION NOT SUBMITTED BY DESIGNATED REPORTING SYSTEM.—If a provider has a designated reporting system, and a complaintant submits a notification under this subsection to the provider without a designated reporting system, the provider shall not be considered to have received the notification.

(IV) EFFECT OF COMPLAINT FAILURE TO RESPOND.—If the complainant does not respond to the provider within 14 days after receiving the notification, no further action by the provider is required and receipt of the notification shall not be considered in determining whether the provider has actual knowledge of any information described in the notification.

(V) DEFINITION.—In this subparagraph, the term ‘‘senior level employee of the Federal Government’’ means an employee, other than an employee of the Consumer Financial Protection Bureau, at the GS–15 level or other level 10 of GS–14 of the General Schedule, the position of whom is classified above GS–15 of the General Schedule.

(VI) PAY RANGE.—Each Child Online Protection Attorney shall be compensated at a rate of pay that is not more than the maximum rate of pay payable for level 10 of GS–15 of the General Schedule, including locality pay, as applicable.

(VII) TECHNICAL ADVISER.—A technological adviser of the Board shall be compensated at a rate of pay that is not more than the maximum rate of pay payable for level 10 of GS–15 of the General Schedule, including locality pay, as applicable.

(VIII) SANCTION OR REMOVAL.—Subject to subsection (e)(2), the Chair of the Commission shall have authority to appoint an Officer for that position.

(IX) ADMINISTRATIVE SUPPORT.—The Commission shall provide the Child Online Protection Officers and Child Online Protection Attorneys with necessary administrative support, including technological facilities, to carry out the duties of the Officers and Attorneys under this subsection. Nothing in this subsection shall be construed to infringe on the provider’s ability to communicate general information about terms of service violations.

(X) LOCATION OF BOARD.—The offices and facilities of the Child Online Protection Officers and Child Online Protection Attorneys shall be located at the headquarters or other office of the Commission.

(XI) AUTHORITY AND DUTIES OF THE BOARD.—

(XII) FUNCTIONS.—Subject to the provisions of this section and applicable regulations, the authorities of the Officers of the Board shall be as follows:

(1) To conduct determinations on petitions that may be brought before the Officers under this section.

(2) To ensure that petitions and responses are properly asserted and otherwise appropriate for resolution by the Board.

(3) To manage the proceedings before the Officers and render determinations pertaining to the consideration of petitions and responses, including with respect to scheduling, discovery, evidentiary, and other matters.

(4) To request, from participants and non-participants in a proceeding, the production of information and documents relevant to the resolution of a petition or response.

(5) To conduct hearings and conferences.

(6) To facilitate the settlement by the parties of petitions and responses.

(7) To impose fines as set forth in subsection (g)(2)(A).

(8) To provide information to the public concerning the procedures and requirements of the Board.

(9) To maintain records of the proceedings before the Officers, certify official records of such proceedings as needed, and, as provided in subsection (g)(19)(A), make the records in such proceedings available to the public.

(x) To carry out such other duties as are set forth in this section.
(vi) When not engaged in performing the duties of the Officers set forth in this section, to perform such other duties as may be assigned by the Chair of the Commission or the Commission.

(B) ATTORNEYS.—Subject to the provisions of this section and applicable regulations, the functions of the Attorneys of the Board shall be as follows:

(i) To provide assistance to the Officers of the Board in the administration of the duties of those Officers under this section.

(ii) To provide assistance to complainants, providers, and members of the public with respect to the procedures and requirements of the Board.

(iii) When not engaged in performing the duties of the Attorneys set forth in this section, to perform such other duties as may be assigned by the Commission.

(C) DESIGNATED SERVICE AGENTS.—The Board may maintain a publicly available directory of service agents designated to receive service of process issued on the Board.

(2) INDEPENDENCE IN DETERMINATIONS.—

(A) IN GENERAL.—The Board shall render the determinations of the Board in individual cases independently on the basis of the evidence in the proceedings and in accordance with the provisions of this section, judicial precedent, and applicable regulations.

(B) PERFORMANCE APPRAISALS.—Notwithstanding any other provision of law or any regulation or policy of the Commission, any performance appraisal of an Officer or Attorney of the Board may not consider the substantive result of any individual determination reached by the Board as a basis for appraisal except to the extent that result may relate to any actual or alleged violation of an ethical standard of conduct.

(3) DIRECTION BY COMMISSION.—Subject to paragraph (4), the Officers and Attorneys shall, in the administration of their duties, be under the supervision of the Chair of the Commission.

(4) INCONSISTENT DUTIES BARRIED.—An Officer or Attorney of the Board may not undertake any duty that conflicts with the duties of the Officer or Attorney in connection with the Board.

(5) RECUSAL.—An Officer or Attorney of the Board shall recuse himself or herself from participation in any proceeding with respect to the procedures and requirements of the Board.

(A) IDENTIFICATION.—Any party or interested owner involved in a proceeding before the Board may, be, is not required to be, represented by—

(i) an attorney;

(ii) a law student who is qualified under applicable law governing representation by law students of parties in legal proceedings and who provides such representation on a pro bono basis.

(B) REPRESENTATION OF VICTIMS.—

(i) IN GENERAL.—A petition involving a victim under the age of 16 at the time the petition is filed by an authorized representative, qualified organization, or a person described in subparagraph (A).

(ii) NO REQUIREMENT FOR QUALIFIED ORGANIZATIONS.—An Order stating that the qualified organization has contact with the victim and knows the identity, location, or contact information of the victim.

(6) PROCEDURES TO CONTEST A FAILURE TO REMOVE A PROSCRIBED VISUAL DEPICTION RELATING TO A CHILD.—

(A) PROVIDER PETITION.—If a provider receives a complete notification as described in subsection (c)(2) through its designated reporting system or in accordance with subsection (c)(2)(F)(i), the provider may file a petition to the Board claiming that the provider has a good faith belief that, as applicable—

(i) the visual depiction that is the subject of the notification does not constitute a proscribed visual depiction relating to a child; and

(ii) the notification is frivolous or was submitted with an intent to harass the provider or any person;

(iii) the alleged proscribed visual depiction relating to a child cannot reasonably be located by the provider;

(iv) the notification was not removed within the timeframe specified in subsection (c)(1).

(B) TIME FRAME.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), a petition contesting a notification under this paragraph shall be considered timely if it is filed by a provider not later than 14 days after the day on which the provider receives the notification or the notification is made complete under subsection (c)(2)(D)(i).

(ii) NO DESIGNATED REPORTING SYSTEM.—Subject to clause (iii), if a provider does not have a designated reporting system, a petition contesting a notification under this paragraph shall be considered timely if it is filed by a provider not later than 2 weeks after the day on which the provider receives the notification or the notification is made complete under subsection (c)(2)(D)(i).

(C) TEMPORARY REMOVAL OF ALLEGED PROSCRIBED VISUAL DEPICTION RELATING TO A CHILD.—

(i) APPLICABLE START DATE.—For purposes of clause (i), the term “applicable start date” means—

(I) in the case of a petition under subparagraph (A)(i) claiming that the visual depiction was not removed or that the provider made an incorrect claim relating to the visual depiction or notification, the day that the notification of the provider was over under paragraph (2)(B); and

(II) in the case of a petition under subparagraph (A)(ii) related to a notification that could not be served, the last day of the 2-week period that begins on the day on which the complainant first attempted to serve a notification on the provider involved.

(D) TEMPORARY REMOVAL.—When any petition filed to the Board by the victim or an authorized representative of the victim shall include the victim’s legal name. A petition filed to the Board by a qualified organization may, but is not required to, include the victim’s legal name. Any petition containing the victim’s legal name shall be filed under seal. The victim’s legal name shall be redacted from any documents served on the provider and interested owner or made publicly available.

(E) FAILURE TO REMOVE VISUAL DEPICTIONS IN A TIMELY MANNER.—A complainant may file a petition under subparagraph (A)(i) claiming that a visual depiction was not removed or that the visual depiction was removed prior to the petition being filed, so long as the petition claims that the visual depiction was not removed within the timeframe specified in subsection (c)(1).

(2) PROCEDURE TO CONTEST A NOTIFICATION.—

(A) PROVIDER PETITION.—If a provider receives a complete notification as described in subsection (c)(2) through its designated reporting system or in accordance with subsection (c)(2)(F)(i), the provider may file a petition to the Board claiming that the provider has a good faith belief that, as applicable—

(i) the visual depiction that is the subject of the notification does not constitute a proscribed visual depiction relating to a child; and

(ii) the notification is frivolous or was submitted with an intent to harass the provider or any person;

(iii) the alleged proscribed visual depiction relating to a child cannot reasonably be located by the provider;

(iv) the notification was not removed within the timeframe specified in subsection (c)(1).

(B) TIME FRAME.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), a petition contesting a notification under this paragraph shall be considered timely if it is filed by a provider not later than 14 days after the day on which the provider receives the notification or the notification is made complete under subsection (c)(2)(D)(i).

(ii) NO DESIGNATED REPORTING SYSTEM.—Subject to clause (iii), if a provider does not have a designated reporting system, a petition contesting a notification under this paragraph shall be considered timely if it is filed by a provider not later than 2 weeks after the day on which the provider receives the notification or the notification is made complete under subsection (c)(2)(D)(i).

(C) TEMPORARY REMOVAL OF ALLEGED PROSCRIBED VISUAL DEPICTION RELATING TO A CHILD.—

(i) APPLICABLE START DATE.—For purposes of clause (i), the term “applicable start date” means—

(I) in the case of a petition under subparagraph (A)(i) claiming that the visual depiction was not removed or that the provider made an incorrect claim relating to the visual depiction or notification, the day that the notification of the provider was over under paragraph (2)(B); and

(II) in the case of a petition under subparagraph (A)(ii) related to a notification that could not be served, the last day of the 2-week period that begins on the day on which the complainant first attempted to serve a notification on the provider involved.

(D) TEMPORARY REMOVAL.—When any petition filed to the Board by the victim or an authorized representative of the victim shall include the victim’s legal name. A petition filed to the Board by a qualified organization may, but is not required to, include the victim’s legal name. Any petition containing the victim’s legal name shall be filed under seal. The victim’s legal name shall be redacted from any documents served on the provider and interested owner or made publicly available.

(E) FAILURE TO REMOVE VISUAL DEPICTIONS IN A TIMELY MANNER.—A complainant may file a petition under subparagraph (A)(i) claiming that a visual depiction was not removed or that the visual depiction was removed prior to the petition being filed, so long as the petition claims that the visual depiction was not removed within the timeframe specified in subsection (c)(1).

(2) PROCEDURE TO CONTEST A NOTIFICATION.—

(A) PROVIDER PETITION.—If a provider receives a complete notification as described in subsection (c)(2) through its designated reporting system or in accordance with subsection (c)(2)(F)(i), the provider may file a petition to the Board claiming that the provider has a good faith belief that, as applicable—

(i) the visual depiction that is the subject of the notification does not constitute a proscribed visual depiction relating to a child; and

(ii) the notification is frivolous or was submitted with an intent to harass the provider or any person;

(iii) the alleged proscribed visual depiction relating to a child cannot reasonably be located by the provider;

(iv) the notification was not removed within the timeframe specified in subsection (c)(1).

(B) TIME FRAME.—

(i) IN GENERAL.—Subject to clauses (ii) and (iii), a petition contesting a notification under this paragraph shall be considered timely if it is filed by a provider not later than 14 days after the day on which the provider receives the notification or the notification is made complete under subsection (c)(2)(D)(i).

(ii) NO DESIGNATED REPORTING SYSTEM.—Subject to clause (iii), if a provider does not have a designated reporting system, a petition contesting a notification under this paragraph shall be considered timely if it is filed by a provider not later than 2 weeks after the day on which the provider receives the notification or the notification is made complete under subsection (c)(2)(D)(i).
(I) IN GENERAL.—If a provider files a petition to the Board contesting a notification solely on the basis of the reason described in subparagraph (A)(ii), the provider shall disable access and mask access to the alleged proscribed visual depiction relating to a child that is the subject of the notification prior to the submission of the petition and during the pendency of the adjudication, including judicial review as provided in subsection (g)(2)(B). Such petition shall include a statement, under the penalty of perjury, that it is a process to address the alleged proscribed visual depiction relating to a child that has been disabled.

(ii) FIRST NOTICE TO REMOVE.—(I) IN GENERAL.—If a provider fails to comply with clause (i), the Board may—

(aa) dismiss the petition without prejudice; and

(bb) refer the matter to the Attorney General.

(B) EFFECT OF DISMISSAL.—If a provider's petition is dismissed under clause (I)(aa), the defective petition. The Attorney may assist protection Attorneys may review petitions to causing undue prejudice to any party or in- paragraph to the extent possible without concern any petition subject to this sub-

(C) PRIORITIZATION.—The Board may prioritize the issuance of a determination

(III) EFFECT ON TIMING.—The Board shall proceeding before the Board, and the con- party of their right to opt out of the pro-

(D) EVIDENCE.—

(A) general, provider, complainant, and inter-

(B) PRIVACY.—Any alleged proscribed visual depiction relating to a child served by the Board or the Commission as part of a proceeding shall be filed under seal and shall remain in the care, custody, and control of the Board or the Commission. For purposes of discovery, the Board or Commission shall make the proscribed visual depiction relating to a child reasonably available to the parties and interested owner but shall not provide copies. The privacy protections described in section 3509(d) of title 18, United States Code, shall apply to the Board, Commission, provider, complainant, and inter-

(C) RESPONSES.—The responding party may refute any of the claims or factual as-

(10) Party Submissions.—A proceeding of the Board may not include any formal mo-

(B).Notification.—If a provider files a petition under paragraph (1) or (2), the petitioning party shall, at or before the time of filing a petition, serve a copy on the other party. A corporation, partnership, or unincorporated association that is subject to suit in any of general jurisdiction under a common name shall be served by delivering a copy of the petition to its service agent, if one has been appointed by the party.

(B) Manner of Service.—(i) Service by Nondigital Means.—Service by nondigital means may be any of the following:

(ii) Personal, including delivery to a re-

(iii) After providing notice and an oppor-

(iii) By third-party commercial carrier for delivery within 3 days.

(ii) By Priority mail.

(iii) By third-party commercial carrier for delivery within 3 days.

(i) Service by Digital Means.—Service of a paper may be made by sending it by any digital means, including through a provider's designated reporting system.

(iii) When Service is Completed.—Service by mail or by commercial carrier is complete 3 days after it is accepted for delivery by the carrier. Service by digital means is complete on filing or sending, unless the party making service is notified that the paper was not received by the party served.

(C) Proof of Service.—A petition filed under paragraph (1) or (2) shall contain—

(i) an acknowledgment of service by the person served;

(ii) proof of service consisting of a state-

(iii) the date and manner of service;

(iv) the names of the persons served; and

(v) their mail or electronic addresses, fac-

(vi) that could be relevant to such facts; and

(vii) evidence of discovery, the Board or Commission shall

(viii) the Board may apply an adverse in-

(ix) the interests of justice;

(x) additional relevant discovery, on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice;

(xi) upon the request of a party or inter-

(xii) for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(xiii) if providing notice and an oppor-

(xiv) upon good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(xv) the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(xvi) upon good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(xvii) for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(xviii) for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(xix) for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(xx) for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(2) Identity of the Responding Party.—(A) In General.—A responding party shall have a period of 30 days to serve a response to the petition.

(B) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(C) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(D) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(E) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(F) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(G) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(H) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(I) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(J) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(K) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(L) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(M) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(N) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(O) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(P) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(Q) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(R) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(S) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(T) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(U) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(V) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(W) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(X) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(Y) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.

(Z) For purposes of the proceeding, provider, complainant, and interested owner, and for good cause shown, the Board may order additional relevant discovery on a limited basis, in particular matters, and may request specific information and documents from parties in the proceeding, consistent with the interests of justice.
The provider may submit an objection to the Board that nondisclosure is contrary to the interests of justice. The complainant may, but is not required to, respond to the objection of the party or interested owner. If the provider does not respond or there is reason to believe that the provider failed to respond, the Board may adopt the objection unless there is reason to believe that the circumstances in section 338(a)(6)(B) of title 18, United States Code, exist and outweigh the interests of justice. If the Board sustains an objection to the nondisclosure period, the Board shall notify the provider in writing of the objection and, after conclusion of the proceeding, the provider may seek reconsideration of issues under paragraph (28).

(21) Petitioning party or interested owner’s failure to proceed.—If a petitioning party or interested owner fails to proceed as demonstrated by the failure, without justifiable cause, to meet one or more deadlines or requirements set forth by the Board, the Board may order the provider to pay attorneys’ fees and costs under paragraph (28)(B), if appropriate. The provider or the petitioning party may only challenge such determination to the extent permitted under paragraph (28).

(22) Request for reconsideration.—A party or interested owner may, within 30 days after the date on which the Board issues a determination under paragraph (18), submit to the Board a written request for reconsideration of issues specified in the determination. The Board may grant a request for reconsideration if the Board finds that the party or interested owner identifies a clear error of law or fact material to the outcome, or a technical mistake, in rendering the determination. The Board shall provide the other party or interested owner an opportunity to address the request, the Board shall either deny the request or issue an amended determination.

(23) Review by commission.—If the Board denies a party or interested owner a request for reconsideration of a determination under paragraph (22), the party or interested owner may, within 30 days after the date of such denial, request review of the determination by the Commission in accordance with paragraph (28). After providing the other party or interested owner an opportunity to address the request, the Commission shall either deny the request for review, or remand the proceeding to the Board for reconsideration of issues specified in the request for review or reconsideration.

(24) Favorable ruling on complainant petition.—(A) In general.—If the Board grants a complainant’s petition filed under this section notwithstanding any other law, the Board shall—

(i) order the provider to immediately remove the proscribed visual depiction relating to a child, and to permanently delete all copies of the visual depiction known to and under the control of the provider unless the Board orders the provider to preserve the visual depiction;

(ii) impose a fine of $50,000 per proscribed visual depiction relating to a child covered by the determination, but if the Board finds that—

(I) the provider removed the proscribed visual depiction relating to a child after the period set forth in subsection (c)(1)(A)(i), but before the complainant filed a petition, such fine shall be $25,000;

(ii) the provider has engaged in recidivist hosting for the first time with respect to the proscribed visual depiction relating to a child in question 2 or more times, such fine shall be $100,000 per proscribed visual depiction relating to a child; or

(iii) the provider has engaged in recidivist hosting of the proscribed visual depiction relating to a child in question 2 or more times, such fine shall be $250,000 per proscribed visual depiction relating to a child; and

(iv) order the provider to pay reasonable costs to the complainant; and

(B) Voluntary dismissal.—(A) By petitioning party. —Upon the written request of a petitioning party, the Board may, subject to the requirements set forth by the Board, order the provider to respond to the notice, and after considering the notice and any response asserted by the responding party, as follows and in accordance with such other requirements as the Commission may establish by regulation:

(i) The Board shall—

(A) order the provider to respond to the notice, providing the other party or interested owner and a period of 30 days, beginning on the date of the notice, to submit any evidence or other information in opposition to the proposed default determination;

(B) order the provider to pay attorneys’ fees and costs to the complainant;

(C) order the provider to pay reasonable costs to the complainant; and

(D) order the provider to pay reasonable costs to the complainant; and

(E) order the provider to pay reasonable costs to the complainant; and
(iv) refer any matters involving intentional or willful conduct by a provider with respect to a proscribed visual depiction relating to a child, or recidivist hosting, to the Attorney General for prosecution under any applicable laws.

(B) PROVIDER PAYMENT OF FINE AND COSTS.—Notwithstanding any other law, the Board shall direct a provider to pay fines and costs imposed under subparagraph (A) as follows:

(i) If the petition was filed by a victim, such fine and costs shall be paid to the victim.

(ii) If the petition was filed by an authorized representative:

(1) 30 percent of such fine shall be paid to the authorized representative and 70 percent of such fine paid to the victim; and

(2) costs shall be paid to the authorized representative.

(iii) If the petition was filed by a qualified organization:

(1) the fine shall be paid to the Child Pornography Victims Reserve as provided in section 2299h of title 18, United States Code; and

(2) costs shall be paid to the qualified organization.

(25) EFFECT OF DENIAL OF PROVIDER PETITION.—

(A) IN GENERAL.—If the Board denies a provider’s petition to contest a notification filed under paragraph (2), it shall order the provider to immediately remove the proscribed visual depiction relating to a child and to permanently delete all copies of the visual depiction known to and under the control of the provider unless the Board orders the provider to preserve the visual depiction.

(B) REFERRAL FOR FAILURE TO REMOVE MATERIAL.—If a provider does not remove, and, if applicable, delete a proscribed visual depiction relating to a child within 48 hours of the Board issuing a determination under subparagraph (A), or not later than 2 business days of the Board issuing a determination under subparagraph (A) concerning a small provider, the Board shall refer the matter to the Attorney General for prosecution under any applicable laws.

(C) COSTS FOR FRIVOLOUS PETITION.—If the Board finds that a provider filed a petition under paragraph (1) for a harassing or improper purpose or without reasonable basis in law or fact, the Board shall order the provider to pay the reasonable costs of the complainant.

(26) EFFECT OF DENIAL OF COMPLAINANT’S PETITION OR FAVORABLE RULING ON PROVIDER’S PETITION.—

(A) RESTORATION.—If the Board grants a provider’s petition filed under paragraph (2) or (2) or if the Board denies a petition filed by the complainant under paragraph (1), the provider may restore access to any visual depiction that was at issue in the proceeding.

(B) RESTORATION FOR INCOMPLETE OR FRIVOLOUS NOTIFICATION AND HARASSMENT.—If, in granting or denying a petition as described in subparagraph (A), the Board finds that the notification contested in the petition could not be made complete under subsection (c)(2)(D), is frivolous, or is duplicative under subsection (c)(2)(C)(i), the Board may order the complainant to pay costs to the provider and any interested owner, which shall not exceed a total of $10,000, or, if the Board finds that the complainant filed the notification with an intent to harass the provider or any person, a total of $10,000, or, if applicable, permanently delete a proscribed visual depiction relating to a child.

(B) CIVIL ACTION; OTHER RELIEF.—

(A) IN GENERAL.—Whenever any provider or complainant fails to comply with a final determination of the Board issued under paragraph (18), the Department of Justice may commence a civil action in a district court of the United States to enforce compliance with such determination.

(B) SAVINGS Clause.—Nothing in this section shall be construed to limit the authority of the United States to enforce compliance with the federal statute of limitations of any federal crime or with any other federal provision of law.

(28) CHALLENGES TO THE DETERMINATION.—

(A) BASES FOR CHALLENGE.—Not later than 45 days after the Board issues a determination or amended determination in a proceeding, or not later than 45 days after the date on which the Board completes a reconsideration or the Commission completes a review of the determination, whichever occurs later, a party may seek an order from a district court for a party or complainant conducting business or resides, vacating, modifying, or correcting the determination of the Board in the following cases:

(1) If the determination was issued as a result of fraud, corruption, misrepresentation, or other misconduct.

(ii) If the Board exceeded its authority or failed to render a determination concerning the subject matter at issue.

(iii) In the case of a default determination or determination based on a failure to prosecute, if it is determined that the default or failure was due to excusable neglect.

(B) PROCEDURE TO CHALLENGE.—

(1) NOTICE OF APPLICATION.—Notice of the application to challenge a determination of the Board shall be provided to all parties to the proceeding before the Board, in accordance with the procedures applicable to service of a notice in the court where the application is made.

(2) STAYING OF PROCEEDINGS.—For purposes of an application under this paragraph, any judge who is authorized to issue an order, to be served with the notice of application to challenge a determination made.

(3) CONSENT OR DETERMINATION.—The issuance of a final determination by the Board shall be final on the date that all opportunities for a party or interested owner to seek reconsideration or review of a determination under paragraph (22) or (23), or for a party to challenge the determination under paragraph (26), have expired or are exhausted.

(h) EFFECT OF PROCEEDING.—

(1) SUBSEQUENT PROCEEDINGS.—The issuance of a final determination by the Board shall preclude the filing by any party of any subsequent petition that is based on the notification at issue in the final determination. This paragraph shall not limit the ability of any party to file a subsequent petition based on any other notification.

(2) DETERMINATION.—Except as provided in paragraph (1), the issuance of a final determination by the Board, including a default determination or determination based on a failure to prosecute, shall not preclude relief based on the exclusionary matter in any subsequent legal action or proceeding before any court, tribunal, or the Board, and any determination of the Board may not be cited or relied upon as legal precedent in any such legal action or proceeding except that—

(A) no party or interested owner may litigate any allegation, factual claim, or response that was properly asserted and considered by the Board in any subsequent proceeding before the Board involving the same parties or interested owner and the same proscribed visual depiction relating to a minor; and

(B) a finding by the Board that a visual depiction constitutes a proscribed visual depiction relating to a child is resuscitated in any civil proceeding brought by an interested owner.

(3) OTHER MATERIALS IN PROCEEDING.—A submission or statement of a party, interested owner, or witness made in connection with a proceeding before the Board, including a proceeding that is dismissed, may not serve as the basis of any action or proceeding before any court or tribunal except for any legal action related to perjury or for conduct engaged in intentionally or with the sole and exclusive purpose of seeking or procuring such a factual claim, or response in a proceeding before the Board shall not preclude the assertion of that response in any subsequent legal action or proceeding before any court, tribunal, or the Board.

(1) ADMINISTRATION.—The Commission may issue regulations in accordance with section 553 of title 5, United States Code, to implement this section.

(J) STUDY.—

(C) in general.—Not later than 3 years after the date on which Child Online Protection Board issues the first determination under this section, the Board shall conduct, and report to Congress on, a study that addresses the following:

(A) The use and efficacy of the Child Online Protection Board.

(B) Whether the Child Online Protection Board could reasonably administer with current allocated resources.

(C) Whether the Child Online Protection Board should be permitted to expire, be extended, or be expanded.

(D) Such other matters as the Commission believes may be pertinent concerning the Child Online Protection Board.

(2) CONSULTATION.—In conducting the study and completing the report required under paragraph (1), the Board shall, to the extent feasible, consult with complainants, victims, and providers to include their views on the matters addressed in the study and report.

(k) LIMITED LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), a civil claim or criminal charge against the Board, a provider, a complainant, interested owner or representative under subsection (f)(4), for distributing, receiving, accessing, or possessing a proscribed visual depiction relating to a child for the purpose of seeking or providing advice or information, shall not be brought in any Federal or State court.

(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—

(A) for any conduct unrelated to compliance with the requirements of this section, a provider, a complainant, interested owner, or representative under subsection (f)(4), for distributing, receiving, accessing, or possessing a proscribed visual depiction relating to a child for the purpose of seeking or providing advice or information, shall not be brought in any Federal or State court.

(B) If the Board, provider, complainant, interested owner, or representative under subsection (f)(4) shall be brought in any Federal or State court.

(i) acting, or failed to act—

(l) with actual malice; or
(II) with reckless disregard to a substantial risk of causing physical injury without legal justification; or

(C) in the case of a claim against a complainant if the complainant falsely claims to be a victim, an authorized representative of a victim, or a qualified organization.

(3) MINIMIZING ACCESS.—The Board, a provider, an interested owner, or a representative under subsection (f)(4) shall—

(A) minimize the number of individuals that are provided access to any alleged, contested, or actual proscribed visual depictions relating to a child under this section;

(B) ensure that any alleged, contested, or actual proscribed visual depictions relating to a child are transmitted and stored in a secure manner and are not distributed to or accessed by any individual other than as needed to implement this section; and

(C) ensure that all copies of any proscribed visual depictions relating to a child are permanently deleted upon a request from the Board, Commission, or the Federal Bureau of Investigation.

(4) PROVIDER IMMUNITY FROM CLAIMS BASED ON RELIANCE ON DECISION.—A provider shall not be liable to any person for any claim based on the provider’s good faith removal of any alleged proscribed visual depiction of a child pursuant to a notification under this section, regardless of whether the visual depiction is found to be a proscribed visual depiction relating to a child by the Board.

(m) CONTINUED APPLICABILITY OF FEDERAL, STATE, AND TRIBAL LAW.—

(1) IN GENERAL.—This Act shall not be construed to—

(A) supersede, or limit a provision of Federal, State, or Tribal law.

(2) PREEMPTION.—Nothing in this Act shall prohibit a State or Tribal government from providing a service, as that term is defined in section 230(e) of the Communications Act of 1934 (47 U.S.C. 290), and for purposes of subsections (k) and (l), includes any director, officer, employee, or agent of such government.

(n) QUALIFIED ORGANIZATION.—The term ‘‘qualified organization’’ means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from tax under section 501(a) of that Code that works to address child sexual abuse material and to support victims of child sexual abuse material.

(3) RECDIVIST HOSTING.—The term ‘‘recidivist hosting’’ means, with respect to a provider, that the provider removes a proscribed visual depiction of a child pursuant to a notification or determination under this subsection, and then subsequently hosts a visual depiction that has the same hash value or other technical identifier as the visual depiction that had been so removed.

(4) RELATED EXPLOITIVE VISUAL DEPICTION.—The term ‘‘related exploitive visual depiction’’ means a visual depiction of an identifiable person of any age where the visual depiction does not constitute child sexual abuse material, but is published and associated with child sexual abuse material depicting that person.

(5) SMALL PROVIDER.—The term ‘‘small provider’’ means a provider that, for the most recent calendar year, averaged less than 10,000,000 active users on a monthly basis in the United States.

(p) FUNDING.—There are authorized to be appropriated—

(A) $50,000,000 for each of fiscal years 2019 through 2023, for the Office of the Secretary to support the effort described in section 501(c)(3) of the Internal Revenue Code of 1986 and to support victim assistance programs and support victims of child sexual abuse material.

(q) RULE OF CONSTRUCTION.—Nothing in this Act affects the definition of relevant terms as defined in the Communications Act of 1934 (47 U.S.C. 201).

(r) DISCOVERY.—Nothing in this Act affects discovery, a subpoena or any other court order, or any other judicial process otherwise in accordance with Federal or State law.

(s) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(A) minimize the number of individuals that are provided access to any alleged, contested, or actual proscribed visual depictions relating to a child under this section;

(B) ensure that any alleged, contested, or actual proscribed visual depictions relating to a child are transmitted and stored in a secure manner and are not distributed to or accessed by any individual other than as needed to implement this section; and

(C) ensure that all copies of any proscribed visual depictions relating to a child are permanently deleted upon a request from the Board, Commission, or the Federal Bureau of Investigation.

(t) CONTINUED APPLICABILITY OF FEDERAL, STATE, AND TRIBAL LAW.—

(1) IN GENERAL.—This Act shall not be construed to—

(A) supersede, or limit a provision of Federal, State, or Tribal law.

(B) preclude the application of an industry-recognized apprenticeship program as an industry-recognized apprenticeship program.

(u) RULE OF CONSTRUCTION.—Nothing in this Act affects the definition of relevant terms as defined in the Federal Apprenticeship Act (29 U.S.C. 1966 and 1967).

This Act may be cited as the ‘‘Training America’s Workforce Act.’’

SEC. 4. INDUSTRY-RECOGNIZED APPRENTICE-SHIP PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) INDUSTRY-RECOGNIZED APPRENTICESHIP PROGRAM.—The term ‘‘industry-recognized apprenticeship program’’ means—

(A) a high-quality, competency-based apprenticeship program that—

(i) is recognized by a standards recognition entity; and

(ii) is developed or delivered by an entity such as a trade or industry group, corporation, nonprofit organization, institution of higher education, labor organization, or labor-management organization (among other entities as determined appropriate by the Secretary); and

(B) may include a program that meets the requirements of subparagraph (A) and trains apprentices to perform construction activities.

(2) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Labor.

(3) STANDARDS RECOGNITION ENTITY.—The term ‘‘standards recognition entity’’ means a private sector or public sector entity that—

(A) is recognized by the Secretary (acting through the Administrator of the Office of Apprenticeship of the Department of Labor) for purposes of recognizing apprenticeship programs as industry-recognized apprenticeship programs;

(B) has a demonstrated ability to ensure an industry-recognized apprenticeship program meets the standards described in subsection (d); and

(C) has the capacity to perform the oversight necessary to ensure the ongoing compliance of an industry-recognized apprenticeship program with such standards.

This Act shall be enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Training America’s Workforce Act.’’

SEC. 2. INDUSTRY-RECOGNIZED APPRENTICE-SHIP PROGRAMS.

The Act of August 16, 1937 (commonly known as the ‘‘National Apprenticeship Act’’, 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) is amended—

(1) by redesignating section 4 as section 5;

and

(2) by inserting after section 3 the following:

SEC. 4. INDUSTRY-RECOGNIZED APPRENTICE-SHIP PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) INDUSTRY-RECOGNIZED APPRENTICESHIP PROGRAM.—The term ‘‘industry-recognized apprenticeship program’’ means—

(A) a high-quality, competency-based apprenticeship program that—

(i) is recognized by a standards recognition entity; and

(ii) is developed or delivered by an entity such as a trade or industry group, corporation, nonprofit organization, institution of higher education, labor organization, or labor-management organization (among other entities as determined appropriate by the Secretary); and

(B) may include a program that meets the requirements of subparagraph (A) and trains apprentices to perform construction activities.

(2) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Labor.

(3) STANDARDS RECOGNITION ENTITY.—The term ‘‘standards recognition entity’’ means a private sector or public sector entity that—

(A) is recognized by the Secretary (acting through the Administrator of the Office of Apprenticeship of the Department of Labor) for purposes of recognizing apprenticeship programs as industry-recognized apprenticeship programs;

(B) has a demonstrated ability to ensure an industry-recognized apprenticeship program meets the standards described in subsection (d); and

(C) has the capacity to perform the oversight necessary to ensure the ongoing compliance of an industry-recognized apprenticeship program with such standards.

(4) RECOGNITION OF INDUSTRY-RECOGNIZED APPRENTICESHIP PROGRAMS.—

(1) IN GENERAL.—A program that is recognized by the Secretary shall be treated as an industry-recognized apprenticeship program.

(2) RULE OF CONSTRUCTION.—Nothing in this Act affects the definition of relevant terms as defined in the Federal Apprenticeship Act (29 U.S.C. 1966 and 1967).

SEC. 6. SEVERABILITY.

If any provision of this Act, or amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of such provision or amendment to any other person or circumstance, shall not be affected.

By Mr. THUNE (for himself, Mr. BRAUN, Mr. SCOTT of South Carolina, and Mr. TUBERVILLE): S. 1213. A bill to require the Secretary of Labor to implement the industry-recognized apprenticeship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. THUNE, Madam President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

1.2023