

Calendar No. 106

119TH CONGRESS
1ST SESSION**S. 1829**

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

IN THE SENATE OF THE UNITED STATES

MAY 21, 2025

Mr. HAWLEY (for himself, Mr. DURBIN, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. KELLY, Mrs. BRITT, Mrs. MOODY, Mrs. HYDE-SMITH, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JUNE 26 (legislative day, JUNE 24), 2025

Reported by Mr. GRASSLEY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Trans-
5 parency and Obligations to Protect Children Suffering

1 from Abuse and Mistreatment Act of 2025” or the “STOP
2 CSAM Act of 2025”.

3 **SEC. 2. PROTECTING CHILD VICTIMS AND WITNESSES IN**
4 **FEDERAL COURT.**

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

7 (1) in subsection (a)—

8 (A) in paragraph (2)(A), by striking “or
9 exploitation” and inserting “exploitation, or
10 kidnapping, including international parental
11 kidnapping”;

12 (B) in paragraph (3), by striking “physical
13 or mental injury” and inserting “physical in-
14 jury, psychological abuse”;

15 (C) by striking paragraphs (5), (6), and
16 (7) and inserting the following:

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

18 “(A) a pattern of acts, threats of acts, or
19 coercive tactics intended to degrade, humiliate,
20 intimidate, or terrorize a child; and

21 “(B) the infliction of trauma on a child
22 through—

23 “(i) isolation;

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

1 “(iii) physical restraint; or

2 “(iv) the confinement of the child
3 without the child’s consent and in degrad-
4 ing conditions;

5 “(6) the term ‘exploitation’ means—

6 “(A) child pornography;

7 “(B) child sex trafficking; or

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

9 “(7) the term ‘multidisciplinary child abuse
10 team’ means a professional unit of individuals work-
11 ing together to investigate child abuse and provide
12 assistance and support to a victim of child abuse;
13 composed of representatives from—

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

16 “(B) law enforcement agencies and pros-
17 ecutorial offices; and

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

19 “(D) in paragraph (9)(D)—

20 (i) by striking “genitals” and insert-
21 ing “anus, genitals,”; and

22 (ii) by striking “or animal”;

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

25 “(F) in paragraph (12)—

1 (i) by striking “the term ‘child abuse’
 2 does not” and inserting “the terms ‘phys-
 3 ical injury’ and ‘psychological abuse’ do
 4 not”; and

5 (ii) by striking the period and insert-
 6 ing a semicolon; and

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

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

10 “(A) is or is alleged to be—

11 “(i) a victim of a crime of physical
 12 abuse; sexual abuse; exploitation; or kid-
 13 napping; including international parental
 14 kidnapping; or

15 “(ii) a witness to a crime committed
 16 against another person; and

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

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

22 “(A) personally identifiable information of
 23 the covered person; including—

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

25 “(ii) an address;

1 ~~“(iii) a phone number;~~

2 ~~“(iv) a user name or identifying infor-~~
 3 ~~mation for an online, social media, or~~
 4 ~~email account; and~~

5 ~~“(v) any information that can be used~~
 6 ~~to distinguish or trace the identity of the~~
 7 ~~covered person; either alone or when com-~~
 8 ~~bined with other information that is linked~~
 9 ~~or linkable to the covered person;~~

10 ~~“(B) medical, dental, behavioral, psy-~~
 11 ~~chiatric, or psychological information of the cov-~~
 12 ~~ered person;~~

13 ~~“(C) educational or juvenile justice records~~
 14 ~~of the covered person; and~~

15 ~~“(D) any other information concerning the~~
 16 ~~covered person that is deemed ‘protected infor-~~
 17 ~~mation’ by order of the court under subsection~~
 18 ~~(d)(5);~~

19 ~~“(15) the term ‘child pornography’ has the~~
 20 ~~meaning given the term in section 2256(8); and~~

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

25 ~~(2) in subsection (b)—~~

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

3 (B) in paragraph (2)—

4 (i) in the heading, by striking
5 “VIDEOTAPED” and inserting “RE-
6 CORDED”;

7 (ii) in subparagraph (A), by striking
8 “that the deposition be recorded and pre-
9 served on videotape” and inserting “that a
10 video recording of the deposition be made
11 and preserved”;

12 (iii) in subparagraph (B)—

13 (I) in clause (ii), by striking
14 “that the child’s deposition be taken
15 and preserved by videotape” and in-
16 serting “that a video recording of the
17 child’s deposition be made and pre-
18 served”;

19 (II) in clause (iii)—

20 (aa) in the matter preceding
21 subclause (I), by striking “video-
22 tape” and inserting “recorded”;
23 and

1 (bb) in subclause (IV), by
 2 striking “videotape” and insert-
 3 ing “recording”; and

4 (III) in clause (v)—

5 (aa) in the heading, by
 6 striking “VIDEOTAPE” and in-
 7 serting “VIDEO RECORDING”;

8 (bb) in the first sentence, by
 9 striking “made and preserved on
 10 video tape” and inserting “re-
 11 corded and preserved”; and

12 (cc) in the second sentence,
 13 by striking “videotape” and in-
 14 serting “video recording”;

15 (iv) in subparagraph (C), by striking
 16 “child’s videotaped” and inserting “video
 17 recording of the child’s”;

18 (v) in subparagraph (D)—

19 (I) by striking “videotaping” and
 20 inserting “deposition”; and

21 (II) by striking “videotaped” and
 22 inserting “recorded”;

23 (vi) in subparagraph (E), by striking
 24 “videotaped” and inserting “recorded”;
 25 and

1 (vii) in subparagraph (F), by striking
 2 “videotape” each place the term appears
 3 and inserting “video recording”;

4 ~~(3)~~ in subsection (d)—

5 (A) in paragraph (1)(A)—

6 (i) in clause (i), by striking “the name
 7 of or any other information concerning a
 8 child” and inserting “a covered person’s
 9 protected information”; and

10 (ii) in clause (ii)—

11 (I) by striking “documents de-
 12 scribed in clause (i) or the informa-
 13 tion in them that concerns a child”
 14 and inserting “a covered person’s pro-
 15 tected information”; and

16 (II) by striking “, have reason to
 17 know such information” and inserting
 18 “(including witnesses or potential wit-
 19 nesses), have reason to know each
 20 item of protected information to be
 21 disclosed”;

22 ~~(B)~~ in paragraph (2)—

23 (i) by striking “the name of or any
 24 other information concerning a child” each

place the term appears and inserting “a covered person’s protected information”;

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(iii) by striking “All papers” and inserting the following:

“(A) IN GENERAL.—All papers”; and

(iv) by adding at the end the following:

“(B) ENFORCEMENT OF VIOLATIONS.—

The court may address a violation of subparagraph (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 from public disclosure of the name of or any other information concerning the child” and inserting “a covered person’s protected information from public disclosure”; and

1 (H) by striking “, if the court de-
 2 termines that there is a significant
 3 possibility that such disclosure would
 4 be detrimental to the child”;
 5 (ii) in subparagraph (B)—

6 (I) in clause (i)—

7 (aa) by striking “a child wit-
 8 ness, and the testimony of any
 9 other witness” and inserting
 10 “any witness”; and

11 (bb) by striking “the name
 12 of or any other information con-
 13 cerning a child” and inserting “a
 14 covered person’s protected infor-
 15 mation”; and

16 (H) in clause (ii), by striking
 17 “child” and inserting “covered per-
 18 son”; and

19 (iii) by adding at the end the fol-
 20 lowing:

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

1 “(ii) The court shall deny a motion for a pro-
 2 tective order under subparagraph (A) only if the
 3 court finds that the party opposing the motion has
 4 rebutted the presumption under clause (i) of this
 5 subparagraph.”;

6 (D) in paragraph (4)—

7 (i) by striking “This subsection” and
 8 inserting the following:

9 “(A) DISCLOSURE TO CERTAIN PARTIES.—

10 This subsection”;

11 (ii) in subparagraph (A), as so des-
 12 ignated—

13 (I) by striking “the name of or
 14 other information concerning a child”
 15 and inserting “a covered person’s pro-
 16 tected information”; and

17 (II) by striking “or an adult at-
 18 tendant, or to” and inserting “an
 19 adult attendant, a law enforcement
 20 agency for any intelligence or inves-
 21 tigative purpose, or”; and

22 (iii) by adding at the end the fol-
 23 lowing:

24 “(B) REQUEST FOR PUBLIC DISCLO-
 25 SURE.—If any party requests public disclosure

1 of a covered person's protected information to
 2 further a public interest, the court shall deny
 3 the request unless the court finds that—

4 “(i) the party seeking disclosure has
 5 established that there is a compelling pub-
 6 lic interest in publicly disclosing the cov-
 7 ered person's protected information;

8 “(ii) there is a substantial probability
 9 that the public interest would be harmed if
 10 the covered person's protected information
 11 is not disclosed;

12 “(iii) the substantial probability of
 13 harm to the public interest outweighs the
 14 harm to the covered person from public
 15 disclosure of the covered person's protected
 16 information; and

17 “(iv) there is no alternative to public
 18 disclosure of the covered person's protected
 19 information that would adequately protect
 20 the public interest.”; and

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

22 “(5) OTHER PROTECTED INFORMATION.—The
 23 court may order that information shall be considered
 24 to be ‘protected information’ for purposes of this
 25 subsection if the court finds that the information is

1 sufficiently personal, sensitive, or identifying that it
 2 should be subject to the protections and presump-
 3 tions under this subsection.”;

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

6 “(f) VICTIM IMPACT STATEMENT.—

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

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

17 “(A) make every effort to obtain and re-
 18 port information that accurately expresses the
 19 views of a child victim, and the views of family
 20 members as appropriate, concerning the impact
 21 of the offense; and

22 “(B) use forms that permit a child victim
 23 to express the child’s views concerning the per-
 24 sonal consequences of the offense, at a level and

1 in a form of communication commensurate with
 2 the child's age and ability.”;

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

5 “~~(4) AUTHORIZATION OF APPROPRIATIONS.—~~

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

10 “~~(B) SUPERVISION OF PAYMENTS.—~~Pay-
 11 ments from appropriations authorized under
 12 subparagraph ~~(A)~~ shall be made under the su-
 13 pervision of the Director of the Administrative
 14 Office of the United States Courts.”;

15 ~~(6) in subsection (i)—~~

16 ~~(A) by striking “A child testifying at or at-~~
 17 ~~tending a judicial proceeding” and inserting the~~
 18 ~~following:~~

19 “~~(1) IN GENERAL.—~~A child testifying at a judi-
 20 cial proceeding, including in a manner described in
 21 subsection ~~(b)~~,”;

22 ~~(B) in paragraph (1), as so designated—~~

23 ~~(i) in the third sentence, by striking~~
 24 ~~“proceeding” and inserting “testimony”;~~
 25 ~~and~~

1 (ii) by striking the fifth sentence; and

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

3 “(2) RECORDING.—If the adult attendant is in
4 close physical proximity to or in contact with the
5 child while the child testifies—

6 “(A) at a judicial proceeding; a video re-
7 cording of the adult attendant shall be made
8 and shall become part of the court record; or

9 “(B) in a manner described in subsection
10 (b); the adult attendant shall be visible on the
11 closed-circuit television or in the recorded depo-
12 sition.

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

17 (7) in subsection (j)—

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

20 (B) in the fourth sentence—

21 (i) by striking “and the potential”
22 and inserting “; the potential”;

23 (ii) by striking “child’s” and inserting
24 “covered person’s”; and

1 (iii) by inserting before the period at
 2 the end the following: “, and the necessity
 3 of the continuance to protect the defend-
 4 ant’s rights”;

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

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

11 (10) in subsection (m)—

12 (A) by striking “(as defined by section
 13 2256 of this title)” each place it appears;

14 (B) by inserting “or an obscene visual de-
 15 piction of a child” after “child pornography”
 16 each place it appears except the second instance
 17 in paragraph (3);

18 (C) in paragraph (1), by inserting “and
 19 any civil action brought under section 2255 or
 20 2255A” after “any criminal proceeding”;

21 (D) in paragraph (2), by adding at the end
 22 the following:

23 “(C)(i) Notwithstanding rule 26 of the Federal
 24 Rules of Civil Procedure, a court shall deny, in any
 25 civil action brought under section 2255 or 2255A,

1 any request by any party to copy, photograph, dupli-
 2 cate, or otherwise reproduce any property or mate-
 3 rial that constitutes child pornography or an obscene
 4 visual depiction of a child.

5 “(ii) In a civil action brought under section
 6 ~~2255~~ or ~~2255A~~, for purposes of paragraph (1), the
 7 court may—

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

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

23 (E) in paragraph (3)—

24 (i) by inserting “and during the 1-
 25 year period following the date on which the

1 criminal proceeding becomes final or is ter-
 2 minated” after “any criminal proceeding”;
 3 (ii) by striking “,” as defined under
 4 section 2256(8),”; and
 5 (iii) by inserting “or obscene visual
 6 depiction of a child” after “such child por-
 7 nography”.

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

11 **SEC. 3. FACILITATING PAYMENT OF RESTITUTION; TECH-**
 12 **NICAL AMENDMENTS TO RESTITUTION STAT-**
 13 **UTES.**

14 Title 18, United States Code, is amended—

15 (1) in section 1593(e)—

16 (A) by inserting “(1)” after “(e)”;
 17 (B) by striking “chapter, including, in”
 18 and inserting the following: “chapter.
 19 “(2) In”; and

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

24 (2) in section 2248(e)—

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

3 “(1) IN GENERAL.—For purposes”;

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

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

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

12 (3) in section 2259—

13 (A) by striking subsection (a) and insert-
14 ing the following:

15 “(a) IN GENERAL.—Notwithstanding section 3663 or
16 3663A, and in addition to any other civil or criminal pen-
17 alty authorized by law, the court shall order restitution
18 for any offense under—

19 “(1) section 1466A, to the extent the conduct
20 involves a visual depiction of an identifiable minor;
21 or

22 “(2) this chapter.”;

23 (B) in subsection (b)—

24 (i) in paragraph (1), by striking “DI-
25 RECTIONS.—Except as provided in para-

graph (2), the” and inserting “RESTITU-
 TION FOR CHILD PORNOGRAPHY PRODUCTION.—If the defendant was convicted of
 child pornography production, the”; and

(ii) in paragraph (2)(B), by striking
 “\$3,000.” and inserting the following: “—

“(i) \$3,000; or

“(ii) 10 percent of the full amount of
 the victim’s losses, if the full amount of
 the victim’s losses is less than \$3,000.”;

and

(C) in subsection (c)—

(i) by striking paragraph (1) and in-
 serting the following:

“(1) CHILD PORNOGRAPHY PRODUCTION.—For
 purposes of this section and section 2259A, the term
 ‘child pornography production’ means—

“(A) a violation of, attempted violation of,
 or conspiracy to violate section 1466A(a) to the
 extent the conduct involves production of a vis-
 ual depiction of an identifiable minor;

“(B) a violation of, attempted violation of,
 or conspiracy to violate section 1466A(a) involv-
 ing possession with intent to distribute, or sec-
 tion 1466A(b), to the extent the conduct in-

1 involves a visual depiction of an identifiable
 2 minor—

3 “(i) produced by the defendant; or

4 “(ii) that the defendant attempted or
 5 conspired to produce;

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

10 “(D) a violation of section 2251A;

11 “(E) a violation of section 2252(a)(4) or
 12 2252A(a)(5), or an attempt or conspiracy to
 13 violate either of those sections under section
 14 2252(b)(2) or 2252A(b)(2), to the extent such
 15 conduct involves child pornography—

16 “(i) produced by the defendant; or

17 “(ii) that the defendant attempted or
 18 conspired to produce;

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

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

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

6 “(ii) of section 1591; or

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

9 “(H) a violation of subsection (a) of sec-
10 tion 2260, or an attempt or conspiracy to vio-
11 late that subsection under subsection (c)(1) of
12 that section;

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

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

17 “(ii) under section 2422(b); and

18 “(J) a violation of chapter 109A or chap-
19 ter 117, if the offense involves the production
20 or attempted production of, or conspiracy to
21 produce, child pornography.”;

22 (ii) by striking paragraph (3) and in-
23 serting the following:

1 ~~“(3) TRAFFICKING IN CHILD PORNOGRAPHY.—~~

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

4 ~~“(A) a violation of, attempted violation of,~~
5 ~~or conspiracy to violate section 1466A(a) to the~~
6 ~~extent the conduct involves distribution or re-~~
7 ~~ceipt of a visual depiction of an identifiable~~
8 ~~minor;~~

9 ~~“(B) a violation of, attempted violation of,~~
10 ~~or conspiracy to violate section 1466A(a) involv-~~
11 ~~ing possession with intent to distribute, or sec-~~
12 ~~tion 1466A(b), to the extent the conduct in-~~
13 ~~volves a visual depiction of an identifiable~~
14 ~~minor—~~

15 ~~“(i) not produced by the defendant; or~~

16 ~~“(ii) that the defendant did not at-~~
17 ~~tempt or conspire to produce;~~

18 ~~“(C) a violation of subsection (d) of section~~
19 ~~2251 or an attempt or conspiracy to violate~~
20 ~~that subsection under subsection (e) of that sec-~~
21 ~~tion;~~

22 ~~“(D) a violation of paragraph (1), (2), or~~
23 ~~(3) of subsection (a) of section 2252, or an at-~~
24 ~~tempt or conspiracy to violate any of those~~

1 paragraphs under subsection (b)(1) of that sec-
 2 tion;

3 “(E) a violation of section 2252(a)(4) or
 4 2252A(a)(5), or an attempt or conspiracy to
 5 violate either of those sections under section
 6 2252(b)(2) or 2252A(b)(2), to the extent such
 7 conduct involves child pornography—

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

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

11 “(F) a violation of paragraph (1), (2), (3),
 12 (4), or (6) of subsection (a) of section 2252A,
 13 or an attempt or conspiracy to violate any of
 14 those paragraphs under subsection (b)(1) of
 15 that section;

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

21 “(H) a violation of section 2252A(g) if the
 22 series of felony violations exclusively involves
 23 violations described in this paragraph (except
 24 subparagraphs (A) and (B));

“(I) a violation of subsection (b) of section 2260, or an attempt or conspiracy to violate that subsection under subsection (c)(2) of that section; and

“(J) a violation of subsection (a)(1) of section 2260B, or a violation of subsection (a)(2) of that section for promoting or facilitating an offense described in this paragraph (except subparagraphs (A) and (B)).”; and

(iii) in paragraph (4), in the first sentence, by inserting “or an identifiable minor harmed as a result of the commission of a crime under section 1466A” after “under this chapter”;
(4) in section 2259A(a)—

(A) in paragraph (1), by striking “under section 2252(a)(4) or 2252A(a)(5)” and inserting “described in subparagraph (B) or (E) of section 2259(c)(3)”; and

(B) in paragraph (2), by striking “any other offense for trafficking in child pornography” and inserting “any offense for trafficking in child pornography other than an offense described in subparagraph (B) or (E) of section 2259(c)(3)”; and

1 ~~(5)~~ in section 2429—

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

4 ~~(B)~~ in subsection ~~(d)~~—

5 (i) by inserting ~~“(1)”~~ after ~~“(d)”~~;

6 (ii) by striking ~~“chapter, including,~~
7 ~~in”~~ and inserting the following: ~~“chapter.~~

8 ~~“(2) In”~~; and

9 (iii) in paragraph ~~(2)~~, as so des-
10 ignated, by inserting ~~“may assume the~~
11 ~~rights of the victim under this section”~~
12 after ~~“suitable by the court”~~; and

13 ~~(6)~~ in section 3664, by adding at the end the
14 following:

15 ~~“(c) TRUSTEE OR OTHER FIDUCIARY.—~~

16 ~~“(1) IN GENERAL.—~~

17 ~~“(A) APPOINTMENT OF TRUSTEE OR~~
18 ~~OTHER FIDUCIARY.—When the court issues an~~
19 ~~order of restitution under section 1593, 2248,~~
20 ~~2259, 2429, or 3663, or subparagraphs (A)(i)~~
21 ~~and (B) of section 3663A(c)(1), for a victim de-~~
22 ~~scribed in subparagraph (B) of this paragraph,~~
23 ~~the court, at its own discretion or upon motion~~
24 ~~by the Government, may appoint a trustee or~~
25 ~~other fiduciary to hold any amount paid for res-~~

1 titution in a trust or other official account for
 2 the benefit of the victim.

3 ~~“(B) COVERED VICTIMS.—~~A victim re-
 4 ferred to in subparagraph (A) is a victim who
 5 is—

6 ~~“(i) under the age of 18 at the time~~
 7 ~~of the proceeding;~~

8 ~~“(ii) incompetent or incapacitated; or~~

9 ~~“(iii) subject to paragraph (3), a for-~~
 10 ~~ign citizen or stateless person residing~~
 11 ~~outside the United States.~~

12 ~~“(2) ORDER.—~~When the court appoints a trust-
 13 ee or other fiduciary under paragraph (1), the court
 14 shall issue an order specifying—

15 ~~“(A) the duties of the trustee or other fi-~~
 16 ~~ducary, which shall require—~~

17 ~~“(i) the administration of the trust or~~
 18 ~~maintaining an official account in the best~~
 19 ~~interests of the victim; and~~

20 ~~“(ii) disbursing payments from the~~
 21 ~~trust or account—~~

22 ~~“(I) to the victim; or~~

23 ~~“(II) to any individual or entity~~
 24 ~~on behalf of the victim;~~

25 ~~“(B) that the trustee or other fiduciary—~~

1 “(i) shall avoid any conflict of inter-
2 est;

3 “(ii) may not profit from the adminis-
4 tration of the trust or maintaining an offi-
5 cial account for the benefit of the victim
6 other than as specified in the order; and

7 “(iii) may not delegate administration
8 of the trust or maintaining the official ac-
9 count to any other person;

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

12 “(D) the fees payable to the trustee or
13 other fiduciary to cover expenses of admin-
14 istering the trust or maintaining the official ac-
15 count for the benefit of the victim; and the
16 schedule for payment of those fees.

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

1 “(A) protect the safety or security of the
2 victim; or

3 “(B) provide a reliable means for the vic-
4 tim to access or benefit from the restitution
5 payments.

6 ~~“(4) PAYMENT OF FEES.—~~

7 ~~“(A) IN GENERAL.—~~The court may, with
8 respect to the fees of the trustee or other fidu-
9 ciary—

10 ~~“(i) pay the fees in whole or in part;~~
11 ~~or~~

12 ~~“(ii) order the defendant to pay the~~
13 ~~fees in whole or in part.~~

14 ~~“(B) APPLICABILITY OF OTHER PROVI-~~
15 ~~SIONS.—~~With respect to a court order under
16 subparagraph (A)(ii) requiring a defendant to
17 pay fees—

18 ~~“(i) subsection (f)(3) shall apply to~~
19 ~~the court order in the same manner as~~
20 ~~that subsection applies to a restitution~~
21 ~~order;~~

22 ~~“(ii) subchapter C of chapter 227~~
23 ~~(other than section 3571) shall apply to~~
24 ~~the court order in the same manner as~~

1 that subchapter applies to a sentence of a
2 fine; and

3 ~~“(iii) subchapter B of chapter 229~~
4 shall apply to the court order in the same
5 manner as that subchapter applies to the
6 implementation of a sentence of a fine.

7 ~~“(C) EFFECT ON OTHER PENALTIES.—Im-~~
8 position of payment under subparagraph (A)(ii)
9 shall not relieve a defendant of, or entitle a de-
10 fendant to a reduction in the amount of, any
11 special assessment, restitution, other fines, pen-
12 alties, or costs, or other payments required
13 under the defendant’s sentence.

14 ~~“(D) SCHEDULE.—Notwithstanding any~~
15 other provision of law, if the court orders the
16 defendant to make any payment under subpara-
17 graph (A)(ii), the court may provide a payment
18 schedule that is concurrent with the payment of
19 any other financial obligation described in sub-
20 paragraph (C).

21 ~~“(5) AUTHORIZATION OF APPROPRIATIONS.—~~

22 ~~“(A) IN GENERAL.—There is authorized to~~
23 be appropriated to the United States courts to
24 carry out this subsection \$15,000,000 for each
25 fiscal year.

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

6 **SEC. 4. CYBERTIPLINE IMPROVEMENTS, AND ACCOUNT-**
 7 **ABILITY AND TRANSPARENCY BY THE TECH**
 8 **INDUSTRY.**

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

11 (1) in section 2258A—

12 (A) by striking subsections (a), (b), and (c)
 13 and inserting the following:

14 “(a) DUTY TO REPORT.—

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

1 “(A) shall contain—

2 “~~(i)~~ the mailing address, telephone
3 number, facsimile number, electronic mail-
4 ing address of, and individual point of con-
5 tact for, such provider; and

6 “~~(ii)~~ information or material described
7 in subsection (b)(1)(A) concerning such
8 facts or circumstances or apparent child
9 pornography; and

10 “~~(B)~~ may contain information described in
11 subsection (b)(2), including any available infor-
12 mation to identify or locate any involved minor.

13 “~~(2) FACTS OR CIRCUMSTANCES.—~~The facts or
14 circumstances described in this paragraph are any
15 facts or circumstances indicating an apparent,
16 planned, or imminent violation of section 1591 (if
17 the violation involves a minor), 2251, 2251A, 2252,
18 2252A, 2252B, 2260, or 2422(b).

19 “~~(3) COMPLAINANT INFORMATION.—~~For a re-
20 port premised on a complaint or notification sub-
21 mitted to a provider by a user of the provider’s
22 product or service, or a parent, guardian, or rep-
23 resentative of such user, the provider shall take rea-
24 sonable measures to determine what information or

1 material in the user's account shall be included in
 2 the report as provided in subsection (b)(1)(A)(vi).

3 ~~“(b) CONTENTS OF REPORT.—~~

4 ~~“(1) IN GENERAL.—~~In an effort to prevent the
 5 future sexual victimization of children, and to the
 6 extent the information is within the custody or con-
 7 trol of a provider, each report provided under sub-
 8 section (a)(1)—

9 ~~“(A) shall include, to the extent that it is~~
 10 ~~applicable and reasonably available—~~

11 ~~“(i) the name, address, electronic mail~~
 12 ~~address, user or account identification,~~
 13 ~~Internet Protocol address, port number,~~
 14 ~~and uniform resource locator of any indi-~~
 15 ~~vidual who is a subject of the report;~~

16 ~~“(ii) the terms of service in effect at~~
 17 ~~the time of—~~

18 ~~“(I) the apparent violation; or~~

19 ~~“(II) the detection of apparent~~
 20 ~~child pornography or a planned or im-~~
 21 ~~minent violation;~~

22 ~~“(iii) a copy of any apparent child~~
 23 ~~pornography that is the subject of the re-~~
 24 ~~port, or all accessible chats, messages, or~~
 25 ~~text exchanges that are related to the re-~~

1 port, that were identified in a publicly
2 available location;

3 “(iv) for each item of apparent child
4 pornography included in the report under
5 clause (iii) or paragraph (2)(E), informa-
6 tion indicating whether—

7 “(I) the apparent child pornog-
8 raphy was publicly available; or

9 “(II) the provider, in its sole dis-
10 cretion, viewed the apparent child por-
11 nography, or any copy thereof, at any
12 point concurrent with or prior to the
13 submission of the report;

14 “(v) for each item of apparent child
15 pornography that is the subject of the re-
16 port, an indication as to whether the ap-
17 parent child pornography—

18 “(I) is created in whole or in part
19 through the use of software, machine
20 learning, artificial intelligence, or any
21 other computer-generated or techno-
22 logical means, including by adapting,
23 modifying, manipulating, or altering
24 an authentic visual depiction;

1 “(H) has previously been the
2 subject of a report under subsection
3 (a)(1); or

4 “(III) is the subject of multiple
5 contemporaneous reports due to rapid
6 and widespread distribution; and

7 “(vi) any and all information or mate-
8 rial (including apparent child pornography,
9 chats, messages, or text exchanges) relat-
10 ing to the subject of the report in the ac-
11 count of a user of the provider’s product or
12 service; if the user, or the parent, guard-
13 ian, or representative of such user—

14 “(I) provided the information or
15 material in a notification or complaint
16 to the provider;

17 “(II) indicates that such informa-
18 tion or material should be included in
19 the report; or

20 “(III) consents to the inclusion of
21 such information or material in the
22 report; and

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

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

3 “(A) INFORMATION ABOUT ANY INVOLVED
4 INDIVIDUAL.—Any information relating to the
5 identity or location of any individual who is a
6 subject of the report, including payment or fi-
7 nancial information (excluding personally iden-
8 tifiable information) and self-reported identi-
9 fying or locating information.

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

20 “(C) HISTORICAL REFERENCE.—Informa-
21 tion relating to when and how a customer or
22 subscriber of a provider uploaded, transmitted,
23 or received content relating to the report or
24 when and how content relating to the report

1 was reported to, or discovered by the provider,
2 including a date and time stamp and time zone.

3 “(D) GEOGRAPHIC LOCATION INFORMA-
4 TION.—Information relating to the geographic
5 location of the involved individual or website,
6 which may include the Internet Protocol ad-
7 dress, port number, or verified address, or, if
8 not reasonably available, at least one form of
9 geographic identifying information, including
10 area code or ZIP Code, provided by the cus-
11 tomer or subscriber, or stored or obtained by
12 the provider.

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

17 “(F) COMPLETE COMMUNICATION.—The
18 complete communication containing any appar-
19 ent child pornography or other content, includ-
20 ing—

21 “(i) any data or information regard-
22 ing the transmission of the communication;
23 and

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

4 “(G) TECHNICAL IDENTIFIER.—An indus-
 5 try-standard hash value or other similar indus-
 6 try-standard technical identifier for any re-
 7 ported visual depiction as it existed on the pro-
 8 vider’s service.

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

12 “(i) the depicted sexually explicit con-
 13 duct involves—

14 “(I) genital, oral, or anal sexual
 15 intercourse;

16 “(II) bestiality;

17 “(III) masturbation;

18 “(IV) sadistic or masochistic
 19 abuse; or

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

23 “(ii) the depicted minor is—

24 “(I) an infant or toddler;

25 “(II) prepubescent;

1 ~~“(III) pubescent;~~
 2 ~~“(IV) post-pubescent; or~~
 3 ~~“(V) of an indeterminate age or~~
 4 ~~developmental stage.~~

5 ~~“(I) CHATS, MESSAGES, OR TEXT EX-~~
 6 ~~CHANGES.—Chats, messages, or text exchanges~~
 7 ~~that fully provide the context for the report.~~

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

17 ~~“(e) FORWARDING OF REPORT AND OTHER INFOR-~~
 18 ~~MATION TO LAW ENFORCEMENT.—~~

19 ~~“(1) IN GENERAL.—Pursuant to its clearing-~~
 20 ~~house role as a private, nonprofit organization, and~~
 21 ~~at the conclusion of its review in furtherance of its~~
 22 ~~nonprofit mission, NCMEC shall make available~~
 23 ~~each report submitted under subsection (a)(1) to one~~
 24 ~~or more of the following law enforcement agencies:~~

1 “(A) Any Federal law enforcement agency
2 that is involved in the investigation of child sex-
3 ual exploitation, kidnapping, or enticement
4 crimes.

5 “(B) Any State or local law enforcement
6 agency that is involved in the investigation of
7 child sexual exploitation.

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

17 “(2) TECHNICAL IDENTIFIERS.—If a report
18 submitted under subsection (a)(1) contains an in-
19 dustry-standard hash value or other similar indus-
20 try-standard technical identifier—

21 “(A) NCMEC may compare that hash
22 value or identifier with any database or reposi-
23 tory of visual depictions owned or operated by
24 NCMEC; and

“(B) if the comparison under subparagraph (A) results in a match, NCMEC may include 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 (e)(1)” and inserting “subsection (e)(1)(A)”;

(ii) in paragraph (3)—

(I) in subparagraph (A), by striking “subsection (e)(3)” and inserting “subsection (e)(1)(C)”;

(II) in subparagraph (C), by striking “subsection (e)(3)” and inserting “subsection (e)(1)(C)”;

(iii) in paragraph (5)(B)—

(I) in clause (i), by striking “forwarded” and inserting “made available”;

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

1 (C) by striking subsection (c) and inserting
2 the following:

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

4 “(1) CRIMINAL PENALTY.—

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

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

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

12 “(B) PENALTY.—

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

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

17 “(aa) \$850,000 if the pro-
18 vider has not fewer than
19 100,000,000 monthly active
20 users; or

21 “(bb) \$600,000 if the pro-
22 vider has fewer than 100,000,000
23 monthly active users; and

24 “(H) in the case of any second or
25 subsequent violation, not more than—

1 “(aa) \$1,000,000 if the pro-
 2 vider has not fewer than
 3 100,000,000 monthly active
 4 users; or

5 “(bb) \$850,000 if the pro-
 6 vider has fewer than 100,000,000
 7 monthly active users.

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

13 “(2) CIVIL PENALTY.—

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

21 “(i) fails to submit a report under
 22 subsection (a)(1) within the time period re-
 23 quired by that subsection;

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

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

3 “(I) contains materially false or
4 fraudulent information; or

5 “(II) omits information described
6 in subsection (b)(1)(A) that is reason-
7 ably available.

8 “(B) ANNUAL REPORT VIOLATIONS.—A
9 provider shall be liable to the United States
10 Government for a civil penalty in an amount of
11 not less than \$100,000 and not more than
12 \$1,000,000 if the provider knowingly—

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

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

17 “(I) contains a materially false,
18 fraudulent, or misleading statement;
19 or

20 “(II) omits information described
21 in subsection (i)(1) that is reasonably
22 available.

23 “(C) HARM TO INDIVIDUALS.—The
24 amount of a civil penalty under subparagraph
25 (A) or (B) shall be tripled if an individual is

1 harmed as a direct and proximate result of the
2 applicable violation.

3 “(D) COSTS OF CIVIL ACTIONS.—A pro-
4 vider that commits a violation described in sub-
5 paragraph (A) or (B) shall be liable to the
6 United States Government for the costs of a
7 civil action brought to recover a civil penalty
8 under that subparagraph.

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

16 “(3) DEPOSIT OF FINES AND PENALTIES.—
17 Notwithstanding any other provision of law, any
18 criminal fine or civil penalty collected under this
19 subsection shall be deposited into the Child Pornog-
20 raphy Victims Reserve as provided in section
21 2259B.”;

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

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

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

3 “(B) information described in subsection
4 (b)(2); or

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

6 (E) in subsection (g)—

7 (i) in paragraph (2)(A)—

8 (I) in clause (iii), by inserting
9 “or personnel at a children’s advocacy
10 center” after “State”;

11 (II) in clause (iv), by striking
12 “State or subdivision of a State” and
13 inserting “State, subdivision of a
14 State, or children’s advocacy center”;
15 and

16 (ii) in paragraph (3), in the matter
17 preceding subparagraph (A), by striking
18 “subsection (a)” and inserting “subsection
19 (a)(1)”;

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

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

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

2 “(i) ANNUAL REPORT.—

3 “(1) IN GENERAL.—Not later than March 31 of
4 the second year beginning after the date of enact-
5 ment of the STOP CSAM Act of 2025, and of each
6 year thereafter, a provider that had more than
7 1,000,000 unique monthly visitors or users during
8 each month of the preceding year and accrued rev-
9 enue of more than \$50,000,000 during the preceding
10 year shall submit to the Attorney General and the
11 Chair of the Federal Trade Commission a report,
12 disaggregated by subsidiary, that provides the fol-
13 lowing information for the preceding year to the ex-
14 tent such information is applicable and reasonably
15 available:

16 “(A) CYBERTIPLINE DATA.—

17 “(i) The total number of reports that
18 the provider submitted under subsection
19 (a)(1).

20 “(ii) Which items of information de-
21 scribed in subsection (b)(2) are routinely
22 included in the reports submitted by the
23 provider under subsection (a)(1).

24 “(B) OTHER REPORTING TO THE PRO-
25 VIDER.—

1 “(i) The measures the provider has in
2 place to receive other reports concerning
3 child sexual exploitation and abuse using
4 the provider’s product or on the provider’s
5 service.

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

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

10 “(iv) A summary description of the
11 actions taken upon receipt of the reports
12 described in clause (i).

13 “(C) POLICIES.—

14 “(i) A description of the policies of
15 the provider with respect to the commis-
16 sion of child sexual exploitation and abuse
17 using the provider’s product or on the pro-
18 vider’s service, including how child sexual
19 exploitation and abuse is defined.

20 “(ii) A description of possible user
21 consequences for violations of the policies
22 described in clause (i).

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

1 “(iv) The process for adjudicating po-
 2 tential violations of the policies described
 3 in clause (i).
 4 “(D) CULTURE OF SAFETY.—

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

7 “(I) protect children from sexual
 8 exploitation and abuse using the pro-
 9 vider’s product or service;

10 “(II) prevent or interdict activity
 11 by children related to sexual exploi-
 12 tation and abuse, including the post-
 13 ing or sharing of intimate visual de-
 14 pictions; and

15 “(III) accurately identify adult
 16 and minor users.

17 “(ii) The measures, tools, and tech-
 18 nologies that the provider deploys to em-
 19 power parents and guardians to protect
 20 their children from sexual exploitation and
 21 abuse using the provider’s product or serv-
 22 ice.

23 “(iii) The measures, tools, and tech-
 24 nologies that the provider deploys to pre-
 25 vent the use of the provider’s product or

1 service by individuals seeking to commit
2 child sexual exploitation and abuse.

3 “(iv) With respect to the measures,
4 tools, and technologies described in clauses
5 (i), (ii), and (iii)—

6 “(I) an assessment of their effi-
7 cacy, including any relevant quan-
8 titative information indicating when
9 and how often they are used; and

10 “(II) information on any factors
11 that limit their efficacy or create gaps
12 in their protection and efforts by the
13 provider to address those loopholes or
14 gaps.

15 “(v) A description of factors that
16 interfere with the provider’s ability to de-
17 tect or evaluate instances of child sexual
18 exploitation and abuse and an analysis of
19 the impact of those factors.

20 “(vi) Information shared by the pro-
21 vider with users about the risks to children
22 on the provider’s product or service con-
23 cerning sexual exploitation and abuse and
24 an assessment of the impact of the infor-
25 mation on users, including any relevant

quantitative information indicating how often the information is reviewed.

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

~~“(i) to assess—~~

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

~~“(II) whether and how individuals could use the new product or service to commit child sexual exploitation and abuse; and~~

~~“(ii) to determine—~~

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

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

~~“(F) PREVALENCE, TRENDS, AND PATTERNS.—~~Any information concerning—

~~“(i) the prevalence of child sexual exploitation and abuse on the provider’s product or service, including the volume of child pornography that is available and~~

1 that is being accessed, distributed, or re-
2 ceived; and

3 “(ii) emerging trends, risks, and
4 changing patterns with respect to the com-
5 mission of online child sexual exploitation
6 and abuse.

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

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

19 “(3) LIMITATION.—Nothing in paragraph (1)
20 shall require the disclosure of trade secrets or other
21 proprietary information.

22 “(4) PUBLICATION.—

23 “(A) IN GENERAL.—Subject to subpara-
24 graph (B), the Attorney General and the Chair

1 of the Federal Trade Commission shall publish
2 the reports received under this subsection.

3 ~~“(B) REDACTION.—~~

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

11 ~~“(I) undermining the efficacy of~~
12 ~~a safety measure described in the re-~~
13 ~~port; or~~

14 ~~“(II) revealing how a product or~~
15 ~~service of a provider may be used to~~
16 ~~commit online child sexual exploi-~~
17 ~~tation and abuse.~~

18 ~~“(ii) ADDITIONAL REDACTION.—~~

19 ~~“(I) REQUEST.—In addition to~~
20 ~~information redacted under clause (i),~~
21 ~~a provider may request the redaction,~~
22 ~~from a report published under sub-~~
23 ~~paragraph (A), of any information~~
24 ~~that is law enforcement sensitive or~~

1 otherwise not suitable for public dis-
 2 tribution.

3 ~~“(H) AGENCY DISCRETION.—The~~
 4 ~~Attorney General and Chair of the~~
 5 ~~Federal Trade Commission—~~

6 ~~“(aa) shall consider a re-~~
 7 ~~quest made under subclause (I);~~
 8 ~~and~~

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

14 ~~(2) in section 2258B—~~

15 ~~(A) by striking subsection (a) and insert-~~
 16 ~~ing the following:~~

17 ~~“(a) IN GENERAL.—~~

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

22 ~~“(2) COVERED CLAIMS AND CHARGES.—A civil~~
 23 ~~claim or criminal charge referred to in paragraph~~
 24 ~~(1) is a civil claim or criminal charge against a pro-~~
 25 ~~vider or domain name registrar, including any direc-~~

1 tor, officer, employee, or agent of such provider or
2 domain name registrar, that is directly attributable
3 to—

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

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

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

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

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

1 ~~(B)~~ in subsection (b)—

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

6 (ii) in paragraph (2)(C)—

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

9 (II) by striking the period and
10 inserting “; or”; and

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

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

17 “(A) any other entity;

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

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

23 ~~(3)~~ in section 2258C—

(A) in the section heading, by striking
~~“the CyberTipline”~~ and inserting
~~“NCMEC”~~;

(B) in subsection (a)—

(i) in the subsection heading, by striking
~~“ELEMENTS”~~ and inserting ~~“INFORMATION SHARING WITH PROVIDERS AND ENTITIES FOR THE PURPOSES OF PREVENTING AND CURTAILING THE ONLINE SEXUAL EXPLOITATION OF CHILDREN”~~;

(ii) in paragraph (1)—

(I) by striking ~~“to a provider”~~
and inserting the following: ~~“or submission to the Child Victim Identification Program to—~~

~~“(A) a provider”~~;

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

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

(bb) by striking the period
at the end and inserting ~~“; or”~~;
and

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

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

6 (iii) in paragraph (2)—

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

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

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

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

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

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

23 (C) in subsection (b)—

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

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

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

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

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

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

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

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

21 (D) in subsection (c)—

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

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

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

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

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

13 (4) in section 2258E—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(B) who—

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

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

17 “(C) who—

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

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

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

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

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

7 “(a) IN GENERAL.—

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

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

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

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

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

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

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

24 “(d) VENUE; SERVICE OF PROCESS.—

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

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

9 “(A) is an inhabitant; or

10 “(B) may be found.

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

16 “(f) RULES OF CONSTRUCTION.—

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

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

1 ~~“(g) ENCRYPTION TECHNOLOGIES.—~~

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

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

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

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

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

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

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

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

1 “(B) the actions or circumstances—

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(I) any minor; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(5) RULES OF CONSTRUCTION.—

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

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

20 “(j) DEFINITIONS.—In this section:

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

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

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

8 “(B) operates—

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

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

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

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

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

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

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

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

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

8 **SEC. 6. SEVERABILITY.**

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

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

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

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

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

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

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

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Strengthening Trans-*
17 *parency and Obligations to Protect Children Suffering from*
18 *Abuse and Mistreatment Act of 2025” or the “STOP CSAM*
19 *Act of 2025”.*

20 **SEC. 2. PROTECTING CHILD VICTIMS AND WITNESSES IN**
21 **FEDERAL COURT.**

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

24 (1) in subsection (a)—

1 (A) in paragraph (2)(A), by striking “or ex-
 2 ploitation” and inserting “exploitation, or kid-
 3 napping, including international parental kid-
 4 napping”;

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

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

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

11 “(A) a pattern of acts, threats of acts, or co-
 12 ercive tactics intended to degrade, humiliate, in-
 13 timidate, or terrorize a child; and

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

16 “(i) isolation;

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

19 “(iii) physical restraint; or

20 “(iv) the confinement of the child with-
 21 out the child’s consent and in degrading
 22 conditions;

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

24 “(A) child pornography;

25 “(B) child sex trafficking; or

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

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

7 “(A) *health, social service, and legal service*
 8 *agencies that represent the child;*

9 “(B) *law enforcement agencies and prosecu-*
 10 *torial offices; and*

11 “(C) *children’s advocacy centers;”;*

12 “(D) *in paragraph (9)(D)—*

13 *(i) by striking “genitals” and inserting*
 14 *“anus, genitals,”; and*

15 *(ii) by striking “or animal”;*

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

18 “(F) *in paragraph (12)—*

19 *(i) by striking “the term ‘child abuse’*
 20 *does not” and inserting “the terms ‘physical*
 21 *injury’ and ‘psychological abuse’ do not”;*
 22 *and*

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

25 “(G) *by adding at the end the following:*

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

3 “(A) is or is alleged to be—

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

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

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

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

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

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

18 “(ii) an address;

19 “(iii) a phone number;

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

23 “(v) any information that can be used
24 to distinguish or trace the identity of the
25 covered person, either alone or when com-

1 *bined with other information that is linked*
 2 *or linkable to the covered person;*

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

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

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

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

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

18 *(2) in subsection (b)—*

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

21 *(B) in paragraph (2)—*

22 *(i) in the heading, by striking*
 23 *“VIDEOTAPED” and inserting “RECORDED”;*

24 *(ii) in subparagraph (A), by striking*
 25 *“that the deposition be recorded and pre-*

1 *served on videotape” and inserting “that a*
 2 *video recording of the deposition be made*
 3 *and preserved”;*

4 *(iii) in subparagraph (B)—*

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

11 *(II) in clause (iii)—*

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

16 *(bb) in subclause (IV), by*
 17 *striking “videotape” and inserting*
 18 *“recording”; and*

19 *(III) in clause (v)—*

20 *(aa) in the heading, by strik-*
 21 *ing “VIDEOTAPE” and inserting*
 22 *“VIDEO RECORDING”;*

23 *(bb) in the first sentence, by*
 24 *striking “made and preserved on*

1 *video tape” and inserting “re-*
 2 *corded and preserved”; and*

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

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

9 *(v) in subparagraph (D)—*

10 *(I) by striking “videotaping” and*
 11 *inserting “deposition”; and*

12 *(II) by striking “videotaped” and*
 13 *inserting “recorded”;*

14 *(vi) in subparagraph (E), by striking*
 15 *“videotaped” and inserting “recorded”; and*

16 *(vii) in subparagraph (F), by striking*
 17 *“videotape” each place the term appears*
 18 *and inserting “video recording”;*

19 *(3) in subsection (d)—*

20 *(A) in paragraph (1)(A)—*

21 *(i) in clause (i), by striking “the name*
 22 *or any other information concerning a*
 23 *child” and inserting “a covered person’s*
 24 *protected information”; and*

25 *(ii) in clause (ii)—*

1 (I) by striking “documents de-
 2 scribed in clause (i) or the information
 3 in them that concerns a child” and in-
 4 serting “a covered person’s protected
 5 information”; and

6 (II) by striking “, have reason to
 7 know such information” and inserting
 8 “(including witnesses or potential wit-
 9 nesses), have reason to know each item
 10 of protected information to be dis-
 11 closed”;

12 (B) in paragraph (2)—

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

17 (ii) by redesignating subparagraphs
 18 (A) and (B) as clauses (i) and (ii), respec-
 19 tively, and adjusting the margins accord-
 20 ingly;

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

23 “(A) *IN GENERAL.*—All papers”; and

24 (iv) by adding at the end the following:

1 “(B) *ENFORCEMENT OF VIOLATIONS.*—*The*
 2 *court may address a violation of subparagraph*
 3 *(A) in the same manner as disobedience or re-*
 4 *sistance to a lawful court order under section*
 5 *401(3).”;*

6 (C) *in paragraph (3)—*

7 (i) *in subparagraph (A)—*

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

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

18 (ii) *in subparagraph (B)—*

19 (I) *in clause (i)—*

20 (aa) *by striking “a child wit-*
 21 *ness, and the testimony of any*
 22 *other witness” and inserting “any*
 23 *witness”; and*

24 (bb) *by striking “the name of*
 25 *or any other information con-*

1 cerning a child” and inserting “a
2 covered person’s protected infor-
3 mation”; and

4 (II) in clause (ii), by striking
5 “child” and inserting “covered per-
6 son”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(C)(i) For purposes of this paragraph, there
10 shall be a presumption that public disclosure of a cov-
11 ered person’s protected information would be detri-
12 mental to the covered person.

13 “(ii) The court shall deny a motion for a protec-
14 tive order under subparagraph (A) only if the court
15 finds that the party opposing the motion has rebutted
16 the presumption under clause (i) of this subpara-
17 graph.”;

18 (D) in paragraph (4)—

19 (i) by striking “This subsection” and
20 inserting the following:

21 “(A) DISCLOSURE TO CERTAIN PARTIES.—
22 This subsection”;

23 (ii) in subparagraph (A), as so des-
24 ignated—

(I) by striking “the name of or other information concerning a child” and inserting “a covered person’s protected information”; and

(II) by striking “or an adult attendant, or to” and inserting “an adult attendant, a law enforcement agency for any intelligence or investigative purpose, or”; and

(iii) by adding at the end the following:

“(B) REQUEST FOR PUBLIC DISCLOSURE.—

If any party requests public disclosure of a covered person’s protected information to further a public interest, the court shall deny the request unless the court finds that—

“(i) the party seeking disclosure has established that there is a compelling public interest in publicly disclosing the covered person’s protected information;

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

1 “(iii) the substantial probability of
 2 harm to the public interest outweighs the
 3 harm to the covered person from public dis-
 4 closure of the covered person’s protected in-
 5 formation; and

6 “(iv) there is no alternative to public
 7 disclosure of the covered person’s protected
 8 information that would adequately protect
 9 the public interest.”; and

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

11 “(5) *OTHER PROTECTED INFORMATION.*—The
 12 court may order that information shall be considered
 13 to be ‘protected information’ for purposes of this sub-
 14 section if the court finds that the information is suffi-
 15 ciently personal, sensitive, or identifying that it
 16 should be subject to the protections and presumptions
 17 under this subsection.”;

18 (4) by striking subsection (f) and inserting the
 19 following:

20 “(f) *VICTIM IMPACT STATEMENT.*—

21 “(1) *PROBATION OFFICER.*—In preparing the
 22 presentence report pursuant to rule 32(c) of the Fed-
 23 eral Rules of Criminal Procedure, the probation offi-
 24 cer shall request information from the multidisci-
 25 plinary child abuse team, if applicable, or other ap-

1 *appropriate sources to determine the impact of the of-*
 2 *fense on a child victim and any other children who*
 3 *may have been affected by the offense.*

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

6 *“(A) make every effort to obtain and report*
 7 *information that accurately expresses the views*
 8 *of a child victim, and the views of family mem-*
 9 *bers as appropriate, concerning the impact of the*
 10 *offense; and*

11 *“(B) use forms that permit a child victim*
 12 *to express the child’s views concerning the per-*
 13 *sonal consequences of the offense, at a level and*
 14 *in a form of communication commensurate with*
 15 *the child’s age and ability.”;*

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

18 *“(4) AUTHORIZATION OF APPROPRIATIONS.—*

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

23 *“(B) SUPERVISION OF PAYMENTS.—Pay-*
 24 *ments from appropriations authorized under*
 25 *subparagraph (A) shall be made under the super-*

1 *vision of the Director of the Administrative Of-*
 2 *fice of the United States Courts.”;*

3 *(6) in subsection (i)—*

4 *(A) by striking “A child testifying at or at-*
 5 *tending a judicial proceeding” and inserting the*
 6 *following:*

7 *“(1) IN GENERAL.—A child testifying at a judi-*
 8 *cial proceeding, including in a manner described in*
 9 *subsection (b),”;*

10 *(B) in paragraph (1), as so designated—*

11 *(i) in the third sentence, by striking*
 12 *“proceeding” and inserting “testimony”;*
 13 *and*

14 *(ii) by striking the fifth sentence; and*

15 *(C) by adding at the end the following:*

16 *“(2) RECORDING.—If the adult attendant is in*
 17 *close physical proximity to or in contact with the*
 18 *child while the child testifies—*

19 *“(A) at a judicial proceeding, a video re-*
 20 *cording of the adult attendant shall be made and*
 21 *shall become part of the court record; or*

22 *“(B) in a manner described in subsection*
 23 *(b), the adult attendant shall be visible on the*
 24 *closed-circuit television or in the recorded deposi-*
 25 *tion.*

1 “(3) *COVERED PERSONS ATTENDING PRO-*
 2 *CEEDING.—A covered person shall have the right to be*
 3 *accompanied by an adult attendant when attending*
 4 *any judicial proceeding.”;*

5 (7) *in subsection (j)—*

6 (A) *by striking “child” each place the term*
 7 *appears and inserting “covered person”; and*

8 (B) *in the fourth sentence—*

9 (i) *by striking “and the potential” and*
 10 *inserting “, the potential”;*

11 (ii) *by striking “child’s” and inserting*
 12 *“covered person’s”; and*

13 (iii) *by inserting before the period at*
 14 *the end the following: “, and the necessity of*
 15 *the continuance to protect the defendant’s*
 16 *rights”;*

17 (8) *in subsection (k), by striking “child” each*
 18 *place the term appears and inserting “covered per-*
 19 *son”;*

20 (9) *in subsection (l), by striking “child” each*
 21 *place the term appears and inserting “covered per-*
 22 *son”; and*

23 (10) *in subsection (m)—*

24 (A) *by striking “(as defined by section 2256*
 25 *of this title)” each place it appears;*

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

5 (C) in paragraph (1), by inserting “and
 6 any civil action brought under section 2255 or
 7 2255A” after “any criminal proceeding”;

8 (D) in paragraph (2), by adding at the end
 9 the following:

10 “(C)(i) Notwithstanding rule 26 of the Federal
 11 Rules of Civil Procedure, a court shall deny, in any
 12 civil action brought under section 2255 or 2255A, any
 13 request by any party to copy, photograph, duplicate,
 14 or otherwise reproduce any property or material that
 15 constitutes child pornography or an obscene visual de-
 16 piction of a child.

17 “(ii) In a civil action brought under section
 18 2255 or 2255A, for purposes of paragraph (1), the
 19 court may—

20 “(I) order the plaintiff or defendant to pro-
 21 vide to the court or the Government, as applica-
 22 ble, any equipment necessary to maintain care,
 23 custody, and control of such property or mate-
 24 rial; and

1 “(II) take reasonable measures, and may
 2 order the Government (if such property or mate-
 3 rial is in the care, custody, and control of the
 4 Government) to take reasonable measures, to pro-
 5 vide each party to the action, the attorney of
 6 each party, and any individual a party may
 7 seek to qualify as an expert, with ample oppor-
 8 tunity to inspect, view, and examine such prop-
 9 erty or material at the court or a Government
 10 facility, as applicable.”; and

11 (E) in paragraph (3)—

12 (i) by inserting “and during the 1-year
 13 period following the date on which the
 14 criminal proceeding becomes final or is ter-
 15 minated” after “any criminal proceeding”;

16 (ii) by striking “, as defined under sec-
 17 tion 2256(8),”; and

18 (iii) by inserting “or obscene visual de-
 19 piction of a child” after “such child pornog-
 20 raphy”.

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

1 **SEC. 3. FACILITATING PAYMENT OF RESTITUTION; TECH-**
 2 **NICAL AMENDMENTS TO RESTITUTION STAT-**
 3 **UTES.**

4 *Title 18, United States Code, is amended—*

5 *(1) in section 1593(c)—*

6 *(A) by inserting “(1)” after “(c)”;*

7 *(B) by striking “chapter, including, in”*
 8 *and inserting the following: “chapter.*

9 *“(2) In”; and*

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

13 *(2) in section 2248(c)—*

14 *(A) by striking “For purposes” and insert-*
 15 *ing the following:*

16 *“(1) IN GENERAL.—For purposes”;*

17 *(B) by striking “chapter, including, in”*
 18 *and inserting the following: “chapter.*

19 *“(2) ASSUMPTION OF CRIME VICTIM’S RIGHTS.—*

20 *In”; and*

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

24 *(3) in section 2259—*

25 *(A) by striking subsection (a) and inserting*
 26 *the following:*

1 “(a) *IN GENERAL.*—Notwithstanding section 3663 or
 2 3663A, and in addition to any other civil or criminal pen-
 3 alty authorized by law, the court shall order restitution for
 4 any offense under—

5 “(1) section 1466A, to the extent the conduct in-
 6 volves a visual depiction of an identifiable minor; or

7 “(2) this chapter.”;

8 (B) in subsection (b)—

9 (i) in paragraph (1), by striking “DI-
 10 RECTIONS.—Except as provided in para-
 11 graph (2), the” and inserting “RESTITU-
 12 TION FOR CHILD PORNOGRAPHY PRODUC-
 13 TION.—If the defendant was convicted of
 14 child pornography production, the”; and

15 (ii) in paragraph (2)(B), by striking
 16 “\$3,000.” and inserting the following: “—

17 “(i) \$3,000; or

18 “(ii) 10 percent of the full amount of
 19 the victim’s losses, if the full amount of the
 20 victim’s losses is less than \$3,000.”; and

21 (C) in subsection (c)—

22 (i) by striking paragraph (1) and in-
 23 serting the following:

1 “(1) *CHILD PORNOGRAPHY PRODUCTION.*—For
 2 purposes of this section and section 2259A, the term
 3 ‘child pornography production’ means—

4 “(A) a violation of, attempted violation of,
 5 or conspiracy to violate section 1466A(a) to the
 6 extent the conduct involves production of a vis-
 7 ual depiction of an identifiable minor;

8 “(B) a violation of, attempted violation of,
 9 or conspiracy to violate section 1466A(a) involv-
 10 ing possession with intent to distribute, or sec-
 11 tion 1466A(b), to the extent the conduct involves
 12 a visual depiction of an identifiable minor—

13 “(i) produced by the defendant; or

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

16 “(C) a violation of subsection (a), (b), or (c)
 17 of section 2251, or an attempt or conspiracy to
 18 violate any of those subsections under subsection
 19 (e) of that section;

20 “(D) a violation of section 2251A;

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

1 “(i) produced by the defendant; or

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

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

9 “(G) a violation of section 2252A(g) if the
10 series of felony violations involves not fewer than
11 1 violation—

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

14 “(ii) of section 1591; or

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

17 “(H) a violation of subsection (a) of section
18 2260, or an attempt or conspiracy to violate that
19 subsection under subsection (c)(1) of that section;

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

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

24 “(ii) under section 2422(b); and

1 “(J) a violation of chapter 109A or chapter
2 117, if the offense involves the production or at-
3 tempted production of, or conspiracy to produce,
4 child pornography.”;

5 (ii) by striking paragraph (3) and in-
6 serting the following:

7 “(3) *TRAFFICKING IN CHILD PORNOGRAPHY.*—
8 For purposes of this section and section 2259A, the
9 term ‘trafficking in child pornography’ means—

10 “(A) a violation of, attempted violation of,
11 or conspiracy to violate section 1466A(a) to the
12 extent the conduct involves distribution or re-
13 ceipt of a visual depiction of an identifiable
14 minor;

15 “(B) a violation of, attempted violation of,
16 or conspiracy to violate section 1466A(a) involv-
17 ing possession with intent to distribute, or sec-
18 tion 1466A(b), to the extent the conduct involves
19 a visual depiction of an identifiable minor—

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

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

23 “(C) a violation of subsection (d) of section
24 2251 or an attempt or conspiracy to violate that
25 subsection under subsection (e) of that section;

1 “(D) a violation of paragraph (1), (2), or
 2 (3) of subsection (a) of section 2252, or an at-
 3 tempt or conspiracy to violate any of those para-
 4 graphs under subsection (b)(1) of that section;

5 “(E) a violation of section 2252(a)(4) or
 6 2252A(a)(5), or an attempt or conspiracy to vio-
 7 late either of those sections under section
 8 2252(b)(2) or 2252A(b)(2), to the extent such
 9 conduct involves child pornography—

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

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

13 “(F) a violation of paragraph (1), (2), (3),
 14 (4), or (6) of subsection (a) of section 2252A, or
 15 an attempt or conspiracy to violate any of those
 16 paragraphs under subsection (b)(1) of that sec-
 17 tion;

18 “(G) a violation of subsection (a)(7) of sec-
 19 tion 2252A, or an attempt or conspiracy to vio-
 20 late that subsection under subsection (b)(3) of
 21 that section, to the extent the conduct involves
 22 distribution;

23 “(H) a violation of section 2252A(g) if the
 24 series of felony violations exclusively involves

1 *violations described in this paragraph (except*
 2 *subparagraphs (A) and (B));*

3 *“(I) a violation of subsection (b) of section*
 4 *2260, or an attempt or conspiracy to violate that*
 5 *subsection under subsection (c)(2) of that section;*
 6 *and*

7 *“(J) a violation of subsection (a)(1) of sec-*
 8 *tion 2260B, or a violation of subsection (a)(2) of*
 9 *that section for promoting or facilitating an of-*
 10 *fense described in this paragraph (except sub-*
 11 *paragraphs (A) and (B)).”;* and

12 *(iii) in paragraph (4), in the first sen-*
 13 *tence, by inserting “or an identifiable*
 14 *minor harmed as a result of the commission*
 15 *of a crime under section 1466A” after*
 16 *“under this chapter”;*

17 *(4) in section 2259A(a)—*

18 *(A) in paragraph (1), by striking “under*
 19 *section 2252(a)(4) or 2252A(a)(5)” and inserting*
 20 *“described in subparagraph (B) or (E) of section*
 21 *2259(c)(3)”;* and

22 *(B) in paragraph (2), by striking “any*
 23 *other offense for trafficking in child pornog-*
 24 *raphy” and inserting “any offense for trafficking*
 25 *in child pornography other than an offense de-*

1 *scribed in subparagraph (B) or (E) of section*
 2 *2259(c)(3)”;*

3 *(5) in section 2429—*

4 *(A) in subsection (b)(3), by striking*
 5 *“2259(b)(3)” and inserting “2259(c)(2)”; and*

6 *(B) in subsection (d)—*

7 *(i) by inserting “(1)” after “(d)”;*

8 *(ii) by striking “chapter, including,*
 9 *in” and inserting the following: “chapter.*

10 *“(2) In”; and*

11 *(iii) in paragraph (2), as so des-*
 12 *ignated, by inserting “may assume the*
 13 *rights of the victim under this section” after*
 14 *“suitable by the court”; and*

15 *(6) in section 3664, by adding at the end the fol-*
 16 *lowing:*

17 *“(q) TRUSTEE OR OTHER FIDUCIARY.—*

18 *“(1) IN GENERAL.—*

19 *“(A) APPOINTMENT OF TRUSTEE OR OTHER*
 20 *FIDUCIARY.—When the court issues an order of*
 21 *restitution under section 1593, 2248, 2259, 2429,*
 22 *or 3663, or subparagraphs (A)(i) and (B) of sec-*
 23 *tion 3663A(c)(1), for a victim described in sub-*
 24 *paragraph (B) of this paragraph, the court, at*
 25 *its own discretion or upon motion by the Gov-*

ernment, may appoint a trustee or other fiduciary to hold any amount paid for restitution in a trust or other 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.

“(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 require—

“(i) the administration of the trust or maintaining an official account in the best interests of the victim; and

“(ii) disbursing payments from the trust or account—

“(I) to the victim; or

“(II) to any individual or entity on behalf of the victim;

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

2 “(i) shall avoid any conflict of interest;

3 “(ii) may not profit from the adminis-
4 tration of the trust or maintaining an offi-
5 cial account for the benefit of the victim
6 other than as specified in the order; and

7 “(iii) may not delegate administration
8 of the trust or maintaining the official ac-
9 count to any other person;

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

12 “(D) the fees payable to the trustee or other
13 fiduciary to cover expenses of administering the
14 trust or maintaining the official account for the
15 benefit of the victim, and the schedule for pay-
16 ment of those fees.

17 “(3) *FACT-FINDING REGARDING FOREIGN CITI-*
18 *ZENS AND STATELESS PERSON.—In the case of a vic-*
19 *tim who is a foreign citizen or stateless person resid-*
20 *ing outside the United States and is not under the*
21 *age of 18 at the time of the proceeding or incompetent*
22 *or incapacitated, the court may appoint a trustee or*
23 *other fiduciary under paragraph (1) only if the court*
24 *finds it necessary to—*

1 “(A) *protect the safety or security of the vic-*
2 *tim; or*

3 “(B) *provide a reliable means for the victim*
4 *to access or benefit from the restitution pay-*
5 *ments.*

6 “(4) *PAYMENT OF FEES.—*

7 “(A) *IN GENERAL.—The court may, with*
8 *respect to the fees of the trustee or other fidu-*
9 *ciary—*

10 “(i) *pay the fees in whole or in part;*
11 *or*

12 “(ii) *order the defendant to pay the*
13 *fees in whole or in part.*

14 “(B) *APPLICABILITY OF OTHER PROVI-*
15 *SIONS.—With respect to a court order under sub-*
16 *paragraph (A)(ii) requiring a defendant to pay*
17 *fees—*

18 “(i) *subsection (f)(3) shall apply to the*
19 *court order in the same manner as that sub-*
20 *section applies to a restitution order;*

21 “(ii) *subchapter C of chapter 227*
22 *(other than section 3571) shall apply to the*
23 *court order in the same manner as that sub-*
24 *chapter applies to a sentence of a fine; and*

1 “(iii) subchapter B of chapter 229
 2 shall apply to the court order in the same
 3 manner as that subchapter applies to the
 4 implementation of a sentence of a fine.

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

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

19 “(5) AUTHORIZATION OF APPROPRIATIONS.—

20 “(A) IN GENERAL.—There is authorized to
 21 be appropriated to the United States courts to
 22 carry out this subsection \$15,000,000 for each
 23 fiscal year.

24 “(B) SUPERVISION OF PAYMENTS.—Pay-
 25 ments from appropriations authorized under

1 *subparagraph (A) shall be made under the super-*
 2 *vision of the Director of the Administrative Of-*
 3 *fice of the United States Courts.”.*

4 **SEC. 4. CYBERTIPLINE IMPROVEMENTS, AND ACCOUNT-**
 5 **ABILITY AND TRANSPARENCY BY THE TECH**
 6 **INDUSTRY.**

7 *(a) IN GENERAL.—Chapter 110 of title 18, United*
 8 *States Code, is amended—*

9 *(1) in section 2258A—*

10 *(A) by striking subsections (a), (b), and (c)*
 11 *and inserting the following:*

12 *“(a) DUTY TO REPORT.—*

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

23 *“(A) shall contain—*

24 *“(i) the mailing address, telephone*
 25 *number, facsimile number, electronic mail-*

ing address of, and individual point of contact for, such provider; and

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

“(B) may contain information described in subsection (b)(2), including any available information to identify or locate any involved minor.

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

“(3) *COMPLAINANT INFORMATION.*—For a report premised on a complaint or notification submitted to a provider by a user of the provider’s product or service, or a parent, guardian, or representative of such user, the provider shall take reasonable measures to determine what information or material in the user’s account shall be included in the report as provided in subsection (b)(1)(A)(vi).

“(b) *CONTENTS OF REPORT.*—

1 “(1) *IN GENERAL.*—*In an effort to prevent the*
2 *future sexual victimization of children, and to the ex-*
3 *tent the information is within the custody or control*
4 *of a provider, each report provided under subsection*
5 *(a)(1)—*

6 “(A) *shall include, to the extent that it is*
7 *applicable and reasonably available—*

8 “(i) *the name, address, electronic mail*
9 *address, user or account identification,*
10 *Internet Protocol address, port number, and*
11 *uniform resource locator of any individual*
12 *who is a subject of the report;*

13 “(ii) *the terms of service in effect at the*
14 *time of—*

15 “(I) *the apparent violation; or*

16 “(II) *the detection of apparent*
17 *child pornography or a planned or im-*
18 *minent violation;*

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

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

5 “(I) the apparent child pornog-
6 raphy was publicly available; or

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

12 “(v) for each item of apparent child
13 pornography that is the subject of the re-
14 port, an indication as to whether the appar-
15 ent child pornography—

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

23 “(II) has previously been the sub-
24 ject of a report under subsection (a)(1);
25 or

1 “(III) is the subject of multiple
2 contemporaneous reports due to rapid
3 and widespread distribution; and

4 “(vi) any and all information or mate-
5 rial (including apparent child pornography,
6 chats, messages, or text exchanges) relating
7 to the subject of the report in the account of
8 a user of the provider’s product or service,
9 if the user, or the parent, guardian, or rep-
10 resentative of such user—

11 “(I) provided the information or
12 material in a notification or complaint
13 to the provider;

14 “(II) indicates that such informa-
15 tion or material should be included in
16 the report; or

17 “(III) consents to the inclusion of
18 such information or material in the re-
19 port; and

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

23 “(2) OTHER INFORMATION.—The information re-
24 ferred to in paragraph (1)(B) is the following:

1 “(A) *INFORMATION ABOUT ANY INVOLVED*
2 *INDIVIDUAL.—Any information relating to the*
3 *identity or location of any individual who is a*
4 *subject of the report, including payment or fi-*
5 *nancial information (excluding personally iden-*
6 *tifiable information) and self-reported identi-*
7 *fying or locating information.*

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

18 “(C) *HISTORICAL REFERENCE.—Informa-*
19 *tion relating to when and how a customer or*
20 *subscriber of a provider uploaded, transmitted,*
21 *or received content relating to the report or when*
22 *and how content relating to the report was re-*
23 *ported to, or discovered by the provider, includ-*
24 *ing a date and time stamp and time zone.*

1 “(D) *GEOGRAPHIC LOCATION INFORMATION.*—*Information relating to the geographic*
 2 *location of the involved individual or website,*
 3 *which may include the Internet Protocol address,*
 4 *port number, or verified address, or, if not rea-*
 5 *sonably available, at least one form of geographic*
 6 *identifying information, including area code or*
 7 *ZIP Code, provided by the customer or sub-*
 8 *scriber, or stored or obtained by the provider.*

10 “(E) *APPARENT CHILD PORNOGRAPHY.*—
 11 *Any apparent child pornography not described*
 12 *in paragraph (1)(A)(iii), or other content related*
 13 *to the subject of the report.*

14 “(F) *COMPLETE COMMUNICATION.*—*The*
 15 *complete communication containing any appar-*
 16 *ent child pornography or other content, includ-*
 17 *ing—*

18 “(i) *any data or information regard-*
 19 *ing the transmission of the communication;*
 20 *and*

21 “(ii) *any visual depictions, data, or*
 22 *other digital files contained in, or attached*
 23 *to, the communication.*

24 “(G) *TECHNICAL IDENTIFIER.*—*An indus-*
 25 *try-standard hash value or other similar indus-*

try-standard technical identifier for any reported
visual depiction as it existed on the provider's
service.

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

“(i) the depicted sexually explicit conduct involves—

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

“(II) 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 an indeterminate age or developmental stage.

1 “(I) *CHATS, MESSAGES, OR TEXT EX-*
 2 *CHANGES.—Chats, messages, or text exchanges*
 3 *that fully provide the context for the report.*

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

13 “(c) *FORWARDING OF REPORT AND OTHER INFORMA-*
 14 *TION TO LAW ENFORCEMENT.—*

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

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

1 “(B) Any State or local law enforcement
2 agency that is involved in the investigation of
3 child sexual exploitation.

4 “(C) A foreign law enforcement agency des-
5 ignated by the Attorney General under sub-
6 section (d)(3) or a foreign law enforcement agen-
7 cy that has an established relationship with the
8 Federal Bureau of Investigation, Immigration
9 and Customs Enforcement, or INTERPOL, and
10 is involved in the investigation of child sexual
11 exploitation, kidnapping, or enticement crimes.

12 “(2) TECHNICAL IDENTIFIERS.—If a report sub-
13 mitted under subsection (a)(1) contains an industry-
14 standard hash value or other similar industry-stand-
15 ard technical identifier—

16 “(A) NCMEC may compare that hash value
17 or identifier with any database or repository of
18 visual depictions owned or operated by NCMEC;
19 and

20 “(B) if the comparison under subparagraph
21 (A) results in a match, NCMEC may include the
22 matching visual depiction from its database or
23 repository when forwarding the report to an
24 agency described in subparagraph (A) or (B) of
25 paragraph (1).”;

1 (B) in subsection (d)—

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

5 (ii) in paragraph (3)—

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

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

12 (iii) in paragraph (5)(B)—

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

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

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

21 “(e) *FAILURE TO COMPLY WITH REQUIREMENTS.*—

22 “(1) *CRIMINAL PENALTY.*—

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

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

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

6 “(B) *PENALTY.—*

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

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

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

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

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

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

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

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

9 “(2) *CIVIL PENALTY.*—

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

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

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

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

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

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

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

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

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

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

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

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

23 “(D) COSTS OF CIVIL ACTIONS.—A provider
24 that commits a violation described in subpara-
25 graph (A) or (B) shall be liable to the United

1 *States Government for the costs of a civil action*
 2 *brought to recover a civil penalty under that sub-*
 3 *paragraph.*

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

11 “(3) *DEPOSIT OF FINES AND PENALTIES.*—*Not-*
 12 *withstanding any other provision of law, any crimi-*
 13 *nal fine or civil penalty collected under this sub-*
 14 *section shall be deposited into the Child Pornography*
 15 *Victims Reserve as provided in section 2259B.”;*

16 *(D) in subsection (f), by striking paragraph*
 17 *(3) and inserting the following:*

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

19 *“(A) facts or circumstances described in*
 20 *subsection (a)(2);*

21 *“(B) information described in subsection*
 22 *(b)(2); or*

23 *“(C) any apparent child pornography.”;*

24 *(E) in subsection (g)—*

25 *(i) in paragraph (2)(A)—*

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

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

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

13 (F) in subsection (h), by striking paragraph
 14 (5) and inserting the following:

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

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

20 “(i) *ANNUAL REPORT.*—

21 “(1) *IN GENERAL.*—Not later than March 31 of
 22 the second year beginning after the date of enactment
 23 of the STOP CSAM Act of 2025, and of each year
 24 thereafter, a provider that had more than 1,000,000
 25 unique monthly visitors or users during each month

1 *of the preceding year and accrued revenue of more*
 2 *than \$50,000,000 during the preceding year shall sub-*
 3 *mit to the Attorney General and the Chair of the Fed-*
 4 *eral Trade Commission a report, disaggregated by*
 5 *subsidiary, that provides the following information*
 6 *for the preceding year to the extent such information*
 7 *is applicable and reasonably available:*

8 *“(A) CYBERTIPLINE DATA.—*

9 *“(i) The total number of reports that*
 10 *the provider submitted under subsection*
 11 *(a)(1).*

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

16 *“(B) OTHER REPORTING TO THE PRO-*
 17 *VIDER.—*

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

23 *“(ii) The average time for responding*
 24 *to reports described in clause (i).*

1 “(iii) *The number of reports described*
 2 *in clause (i) that the provider received.*

3 “(iv) *A summary description of the ac-*
 4 *tions taken upon receipt of the reports de-*
 5 *scribed in clause (i).*

6 “(C) *POLICIES.*—

7 “(i) *A description of the policies of the*
 8 *provider with respect to the commission of*
 9 *child sexual exploitation and abuse using*
 10 *the provider’s product or on the provider’s*
 11 *service, including how child sexual exploi-*
 12 *tation and abuse is defined.*

13 “(ii) *A description of possible user con-*
 14 *sequences for violations of the policies de-*
 15 *scribed in clause (i).*

16 “(iii) *The methods of informing users*
 17 *of the policies described in clause (i).*

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

21 “(D) *CULTURE OF SAFETY.*—

22 “(i) *The measures, tools, and tech-*
 23 *nologies that the provider deploys to—*

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

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

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

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

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

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

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

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

10 “(v) A description of factors that inter-
11 fere with the provider’s ability to detect or
12 evaluate instances of child sexual exploi-
13 tation and abuse and an analysis of the im-
14 pact of those factors.

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

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

1 *of the information provided pursuant to*
 2 *this subparagraph and of the efficacy of the*
 3 *measures, tools, and technologies described*
 4 *in clauses (i), (ii), and (iii), including*
 5 *through the facilitation of independent re-*
 6 *search.*

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

10 “(i) *to assess—*

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

14 “(II) *whether and how individ-*
 15 *uals could use the new product or serv-*
 16 *ice to commit child sexual exploitation*
 17 *and abuse; and*

18 “(ii) *to determine—*

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

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

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

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

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

10 “(G) *OTHER INFORMATION*.—Any other in-
 11 formation relevant to child sexual exploitation
 12 and abuse on the provider’s product or service.

13 “(2) *AVOIDING DUPLICATION*.—Notwithstanding
 14 the requirement under the matter preceding para-
 15 graph (1) that information be submitted annually, in
 16 the case of any report submitted under that para-
 17 graph after the initial report, a provider shall submit
 18 information described in subparagraphs (C) through
 19 (F) of that paragraph not less frequently than once
 20 every 3 years or when new information is available,
 21 whichever is more frequent.

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

25 “(4) *PUBLICATION*.—

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

5 “(B) *REDACTION*.—

6 “(i) *IN GENERAL*.—Whether or not
 7 such redaction is requested by the provider,
 8 the Attorney General and Chair of the Fed-
 9 eral Trade Commission shall redact from a
 10 report published under subparagraph (A)
 11 any information as necessary to avoid—

12 “(I) undermining the efficacy of a
 13 safety measure described in the report;
 14 or

15 “(II) revealing how a product or
 16 service of a provider may be used to
 17 commit online child sexual exploitation
 18 and abuse.

19 “(ii) *ADDITIONAL REDACTION*.—

20 “(I) *REQUEST*.—In addition to
 21 information redacted under clause (i),
 22 a provider may request the redaction,
 23 from a report published under sub-
 24 paragraph (A), of any information
 25 that is law enforcement sensitive or

1 *otherwise not suitable for public dis-*
 2 *tribution.*

3 “(II) *AGENCY DISCRETION.*—*The*
 4 *Attorney General and Chair of the*
 5 *Federal Trade Commission—*

6 *“(aa) shall consider a request*
 7 *made under subclause (I); and*

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

13 *(2) in section 2258B—*

14 *(A) by striking subsection (a) and inserting*
 15 *the following:*

16 *“(a) IN GENERAL.—*

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

21 *“(2) COVERED CLAIMS AND CHARGES.—A civil*
 22 *claim or criminal charge referred to in paragraph (1)*
 23 *is a civil claim or criminal charge against a provider*
 24 *or domain name registrar, including any director, of-*

1 *ficer, employee, or agent of such provider or domain*
2 *name registrar, that is directly attributable to—*

3 *“(A) the performance of the reporting or*
4 *preservation responsibilities of such provider or*
5 *domain name registrar under this section, sec-*
6 *tion 2258A, or section 2258C;*

7 *“(B) transmitting, distributing, or mailing*
8 *child pornography to any Federal, State, or local*
9 *law enforcement agency, or giving such agency*
10 *access to child pornography, in response to a*
11 *search warrant, court order, or other legal proc-*
12 *ess issued or obtained by such agency; or*

13 *“(C) the use by the provider or domain*
14 *name registrar of any material being preserved*
15 *under section 2258A(h) by such provider or reg-*
16 *istrar for research and the development and*
17 *training of tools, undertaken voluntarily and in*
18 *good faith for the sole and exclusive purpose of—*

19 *“(i) improving or facilitating report-*
20 *ing under this section, section 2258A, or*
21 *section 2258C; or*

22 *“(ii) stopping the online sexual exploi-*
23 *tation of children.”; and*

24 *(B) in subsection (b)—*

1 (i) in paragraph (1), by striking “; or”
 2 and inserting “or knowingly failed to com-
 3 ply with a requirement under section
 4 2258A;”;

5 (ii) in paragraph (2)(C)—

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

8 (II) by striking the period and in-
 9 serting “; or”; and

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

12 “(3) for purposes of subsection (a)(2)(C), know-
 13 ingly distributed or transmitted the material, or
 14 made the material available, except as required by
 15 law, to—

16 “(A) any other entity;

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

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

22 (3) in section 2258C—

23 (A) in the section heading, by striking “**the**
 24 **CyberTipline**” and inserting “**NCMEC**”;

25 (B) in subsection (a)—

1 (i) in the subsection heading, by strik-
 2 ing “ELEMENTS” and inserting “INFORMA-
 3 TION SHARING WITH PROVIDERS AND EN-
 4 TITIES FOR THE PURPOSES OF PREVENTING
 5 AND CURTAILING THE ONLINE SEXUAL EX-
 6 PLOITATION OF CHILDREN”;

7 (ii) in paragraph (1)—

8 (I) by striking “to a provider”
 9 and inserting the following: “or sub-
 10 mission to the Child Victim Identifica-
 11 tion Program to—
 12 “(A) a provider”;

13 (II) in subparagraph (A), as so
 14 designated—

15 (aa) by inserting “use of the
 16 provider’s products or services to
 17 commit” after “stop the”; and

18 (bb) by striking the period at
 19 the end and inserting “; or”; and

20 (III) by adding at the end the fol-
 21 lowing:

22 “(B) an entity for the sole and exclusive
 23 purpose of preventing and curtailing the online
 24 sexual exploitation of children.”; and

25 (iii) in paragraph (2)—

1 (I) in the heading, by striking
2 “INCLUSIONS” and inserting “ELE-
3 MENTS”;

4 (II) by striking “unique identi-
5 fiers” and inserting “similar technical
6 identifiers”;

7 (III) by inserting “or content, ele-
8 ments, or reported materials,” after
9 “visual depiction,”;

10 (IV) by inserting a comma after
11 “location”;

12 (V) by striking “and any other
13 elements”; and

14 (VI) by inserting “or submission
15 to the Child Victim Identification Pro-
16 gram” after “CyberTipline report”;

17 (C) in subsection (b)—

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

20 (ii) by striking “Any provider” and
21 inserting the following:

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

23 (iii) in paragraph (1), as so des-
24 ignated—

1 (I) by striking “receives” and in-
2 serting “obtains”; and

3 (II) by inserting “or submission
4 to the Child Victim Identification Pro-
5 gram” after “CyberTipline report”;
6 and

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

8 “(2) *LIMITATION ON SHARING WITH OTHER EN-*
9 *TITIES.—A provider or entity that obtains elements*
10 *under subsection (a)(1) may not distribute those ele-*
11 *ments, or make those elements available, to any other*
12 *entity, except for the sole and exclusive purpose of*
13 *curtailing, preventing, or stopping the online sexual*
14 *exploitation of children.”;*

15 (D) in subsection (c)—

16 (i) by striking “subsections” and in-
17 serting “subsection”;

18 (ii) by striking “providers receiving”
19 and inserting “a provider or entity to ob-
20 tain”;

21 (iii) by inserting “or submission to the
22 Child Victim Identification Program” after
23 “CyberTipline report”; and

1 (iv) by striking “to use the elements to
2 stop the online sexual exploitation of chil-
3 dren”; and

4 (E) in subsection (d), by inserting “or to
5 the Child Victim Identification Program” after
6 “CyberTipline”;

7 (4) in section 2258E—

8 (A) in paragraph (6), by striking “elec-
9 tronic communication service provider” and in-
10 serting “electronic communication service”;

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

13 (C) in paragraph (8), by striking the period
14 at the end and inserting a semicolon; and

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

16 “(9) the term ‘publicly available’, with respect to
17 a visual depiction on a provider’s service, means the
18 visual depiction can be viewed by or is accessible to
19 all users of the service, regardless of the steps, if any,
20 a user must take to create an account or to gain ac-
21 cess to the service in order to access or view the visual
22 depiction; and

23 “(10) the term ‘Child Victim Identification Pro-
24 gram’ means the program described in section
25 404(b)(1)(K)(ii) of the Juvenile Justice and Delin-

1 *quency Prevention Act of 1974 (34 U.S.C.*
 2 *11293(b)(1)(K)(ii)).”;*

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

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

7 **“§2260B. Liability for certain child sexual exploi-**
 8 ***tation offenses***

9 *“(a) OFFENSE.—It shall be unlawful for a provider*
 10 *of an interactive computer service, as that term is defined*
 11 *in section 230 of the Communications Act of 1934 (47*
 12 *U.S.C. 230), that operates through the use of any facility*
 13 *or means of interstate or foreign commerce or in or affecting*
 14 *interstate or foreign commerce, through such service to—*

15 *“(1) intentionally host or store child pornog-*
 16 *raphy or make child pornography available to any*
 17 *person; or*

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

20 *“(b) PENALTY.—A provider of an interactive computer*
 21 *service that violates subsection (a)—*

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

24 *“(2) if the offense involves a conscious or reckless*
 25 *risk of serious personal injury or an individual is*

1 *harm*ed as a direct and proximate result of the viola-
 2 *tion*, shall be fined not more than \$5,000,000.

3 “(c) *RULE OF CONSTRUCTION.*—Nothing in this sec-
 4 *tion* shall be construed to apply to any good faith action
 5 by a provider of an interactive computer service that is nec-
 6 *essary* to comply with a valid court order, subpoena, search
 7 *warrant*, statutory obligation, or preservation request from
 8 *law enforcement.*”.

9 (b) *CLERICAL AMENDMENT.*—The table of sections for
 10 *chapter 110 of title 18, United States Code*, is amended by
 11 *adding at the end the following:*

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

12 (c) *EFFECTIVE DATE FOR AMENDMENTS TO REPORT-*
 13 *ING REQUIREMENTS OF PROVIDERS.*—The amendments
 14 *made by subsection (a)(1) of this section* shall take effect
 15 *on the date that is 120 days after the date of enactment*
 16 *of this Act.*

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

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

22 (b) *CIVIL REMEDY FOR PERSONAL INJURIES.*—Section
 23 *2255(a) of title 18, United States Code*, is amended—

24 (1) by striking “*IN GENERAL.*—Any person who,
 25 *while a minor, was a victim of a violation of section*

1 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A,
 2 2252, 2252A, 2260, 2421, 2422, or 2423 of this title
 3 and who suffers personal injury as a result of such
 4 violation, regardless of whether the injury occurred
 5 while such person was a minor, may sue” and insert-
 6 ing the following: “PRIVATE RIGHT OF ACTION.—

7 “(1) IN GENERAL.—Any person described in sub-
 8 paragraph (A), (B), or (C) of paragraph (2) who suf-
 9 fers personal injury as a result of a violation de-
 10 scribed in that subparagraph, regardless of whether
 11 the injury occurred while such person was a minor,
 12 may bring a civil action”; and

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

14 “(2) ELIGIBLE PERSONS.—Paragraph (1) shall
 15 apply to any person—

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

17 “(i) a violation of section 1589, 1590,
 18 1591, 2241, 2242, 2243, 2251, 2251A,
 19 2260(a), 2421, 2422, or 2423;

20 “(ii) an attempt to violate section
 21 1589, 1590, or 1591 under section 1594(a);

22 “(iii) a conspiracy to violate section
 23 1589 or 1590 under section 1594(b); or

24 “(iv) a conspiracy to violate section
 25 1591 under section 1594(c);

1 “(B) *who—*

2 “(i) *is depicted as a minor in child*
3 *pornography; and*

4 “(ii) *is a victim of a violation of 2252,*
5 *2252A, or 2260(b) (regardless of when the*
6 *violation occurs); or*

7 “(C) *who—*

8 “(i) *is depicted as an identifiable*
9 *minor in a visual depiction described in*
10 *section 1466A; and*

11 “(ii) *is a victim of a violation of that*
12 *section (regardless of when the violation oc-*
13 *curs).”.*

14 (c) *CIVIL REMEDY AGAINST ONLINE PLATFORMS AND*
15 *APP STORES.—*

16 (1) *IN GENERAL.—Chapter 110 of title 18,*
17 *United States Code, is amended by inserting after sec-*
18 *tion 2255 the following:*

19 “§2255A. ***Additional remedy for certain victims of***
20 ***child pornography or child sexual exploi-***
21 ***tation***

22 “(a) *IN GENERAL.—*

23 “(1) *PROMOTION OR AIDING AND ABETTING OF*
24 *CERTAIN VIOLATIONS.—Any person who is a victim of*
25 *the intentional, knowing, or reckless promotion, or*

1 *aiding and abetting, of a violation of section 1591 or*
 2 *1594(c) (involving a minor), or section 2251, 2251A,*
 3 *2252, 2252A, or 2422(b), where such promotion, or*
 4 *aiding and abetting, is by a provider of an inter-*
 5 *active computer service or an app store, and who suf-*
 6 *fers personal injury as a result of such promotion or*
 7 *aiding and abetting, regardless of when the injury oc-*
 8 *curred, may bring a civil action in any appropriate*
 9 *United States District Court for relief set forth in*
 10 *subsection (b).*

11 “(2) *ACTIVITIES INVOLVING CHILD PORNOG-*
 12 *RAPHY.—Any person who is a victim of the inten-*
 13 *tional, knowing, or reckless hosting or storing of child*
 14 *pornography or making child pornography available*
 15 *to any person by a provider of an interactive com-*
 16 *puter service, and who suffers personal injury as a re-*
 17 *sult of such hosting, storing, or making available, re-*
 18 *gardless of when the injury occurred, may bring a*
 19 *civil action in any appropriate United States Dis-*
 20 *trict Court for relief set forth in subsection (b).*

21 “(b) *RELIEF.—In a civil action brought by a person*
 22 *under subsection (a)—*

23 “(1) *the person shall recover the actual damages*
 24 *the person sustains or liquidated damages in the*
 25 *amount of \$300,000, and the cost of the action, in-*

1 cluding reasonable attorney fees and other litigation
2 costs reasonably incurred; and

3 “(2) the court may, in addition to any other re-
4 lief available at law, award punitive damages and
5 such other preliminary and equitable relief as the
6 court determines to be appropriate, including a tem-
7 porary restraining order, a preliminary injunction,
8 or a permanent injunction ordering the defendant to
9 cease the offending conduct.

10 “(c) *STATUTE OF LIMITATIONS.*—There shall be no
11 time limit for the filing of a complaint commencing an ac-
12 tion under subsection (a).

13 “(d) *VENUE; SERVICE OF PROCESS.*—

14 “(1) *VENUE.*—Any action brought under sub-
15 section (a) may be brought in the district court of the
16 United States that meets applicable requirements re-
17 lating to venue under section 1391 of title 28.

18 “(2) *SERVICE OF PROCESS.*—In an action
19 brought under subsection (a), process may be served
20 in any district in which the defendant—

21 “(A) is an inhabitant; or

22 “(B) may be found.

23 “(e) *RELATION TO SECTION 230 OF THE COMMUNICA-*
24 *TIONS ACT OF 1934.*—Nothing in section 230 of the Com-

1 *munications Act of 1934 (47 U.S.C. 230) shall be construed*
 2 *to impair or limit any claim brought under subsection (a).*

3 “(f) *RULES OF CONSTRUCTION.*—

4 “(1) *APPLICABILITY TO LEGAL PROCESS OR OB-*
 5 *LIGATION.*—*Nothing in this section shall be construed*
 6 *to apply to any good faith action that is necessary to*
 7 *comply with a valid court order, subpoena, search*
 8 *warrant, statutory obligation, or preservation request*
 9 *from law enforcement.*

10 “(2) *APPLICATION OF SECTION 2258B.*—*A civil*
 11 *action brought under subsection (a) shall be subject to*
 12 *section 2258B.*

13 “(g) *ENCRYPTION TECHNOLOGIES.*—

14 “(1) *IN GENERAL.*—*None of the following actions*
 15 *or circumstances shall serve as an independent basis*
 16 *for liability under subsection (a):*

17 “(A) *Utilizing full end-to-end encrypted*
 18 *messaging services, device encryption, or other*
 19 *encryption services.*

20 “(B) *Not possessing the information nec-*
 21 *essary to decrypt a communication.*

22 “(C) *Failing to take an action that would*
 23 *otherwise undermine the ability to offer full end-*
 24 *to-end encrypted messaging services, device*
 25 *encryption, or other encryption services.*

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

5 “(A) *the actions or circumstances are rel-*
 6 *evant under rules 401 and 402 of the Federal*
 7 *Rules of Evidence to—*

8 “(i) *prove motive, intent, preparation,*
 9 *plan, absence of mistake, or lack of accident;*
 10 *or*

11 “(ii) *rebut any evidence or factual or*
 12 *legal claim; and*

13 “(B) *the actions or circumstances—*

14 “(i) *are otherwise admissible under the*
 15 *Federal Rules of Evidence; and*

16 “(ii) *are not subject to exclusion under*
 17 *rule 403 or any other rule of the Federal*
 18 *Rules of Evidence.*

19 “(3) *NO EFFECT ON DISCOVERY.*—*Nothing in*
 20 *paragraph (1) or (2) shall be construed to create a de-*
 21 *fense to a discovery request or otherwise limit or af-*
 22 *fect discovery in any civil action brought under sub-*
 23 *section (a).*

24 “(h) *DEFENSE.*—*In a civil action under subsection*
 25 *(a)(2) involving knowing or reckless conduct, it shall be a*

1 *defense at trial, which the provider of an interactive com-*
 2 *puter service must establish by a preponderance of the evi-*
 3 *dence as determined by the finder of fact, that—*

4 “(1) *the provider disabled access to or removed*
 5 *the child pornography within a reasonable timeframe,*
 6 *and in any event not later than 48 hours after ob-*
 7 *taining knowledge that the child pornography was*
 8 *being hosted, stored, or made available by the pro-*
 9 *vider (or, in the case of a provider that, for the most*
 10 *recent calendar year, averaged fewer than 10,000,000*
 11 *active users on a monthly basis in the United States,*
 12 *within a reasonable timeframe, and in any event not*
 13 *later than 2 business days after obtaining such knowl-*
 14 *edge);*

15 “(2) *the provider exercised a reasonable, good*
 16 *faith effort to disable access to or remove the child*
 17 *pornography but was unable to do so for reasons out-*
 18 *side the provider’s control; or*

19 “(3) *it is technologically impossible for the pro-*
 20 *vider to disable access to or remove the child pornog-*
 21 *raphy without compromising encryption technologies.*

22 “(i) *SANCTIONS FOR REPEATED BAD FAITH CIVIL AC-*
 23 *TIONS OR DEFENSES.—*

24 “(1) *DEFINITIONS.—In this subsection:*

1 “(A) *BAD FAITH CIVIL ACTION*.—The term
 2 ‘*bad faith civil action*’ means a civil action
 3 brought under subsection (a) in bad faith where
 4 the finder of fact determines that at the time the
 5 civil action was filed, the party, attorney, or law
 6 firm described in paragraph (2) had actual
 7 knowledge that—

8 “(i) the alleged conduct did not involve
 9 any minor; or

10 “(ii) the alleged child pornography did
 11 not depict—

12 “(I) any minor; or

13 “(II) sexually explicit conduct,
 14 sexual suggestiveness, full or partial
 15 nudity, or implied sexual activity.

16 “(B) *BAD FAITH DEFENSE*.—The term ‘*bad*
 17 *faith defense*’ means a defense in a civil action
 18 brought under subsection (a) raised in bad faith
 19 where the finder of fact determines that at the
 20 time the defense was raised, the party, attorney,
 21 or law firm described in paragraph (3) had ac-
 22 tual knowledge that the defense—

23 “(i) was made solely for the purpose of
 24 delaying the civil action or increasing the
 25 costs of the civil action; or

1 “(ii) *was objectively baseless in light of*
2 *the applicable law or facts at issue.*

3 “(2) *BAD FAITH CIVIL ACTION.—In the case of a*
4 *civil action brought under subsection (a), the court*
5 *may impose sanctions on—*

6 “(A) *the party bringing the civil action if*
7 *the court finds that the party has brought 2 or*
8 *more bad faith civil actions (which may include*
9 *the instant civil action); or*

10 “(B) *an attorney or law firm representing*
11 *the party bringing the civil action if the court*
12 *finds that the attorney or law firm has rep-*
13 *resented—*

14 “(i) *a party who has brought 2 or*
15 *more bad faith civil actions (which may in-*
16 *clude the instant civil action); or*

17 “(ii) *2 or more parties who have each*
18 *brought a bad faith civil action (which may*
19 *include the instant civil action).*

20 “(3) *BAD FAITH DEFENSE.—In the case of a*
21 *civil action brought under subsection (a), the court*
22 *may impose sanctions on—*

23 “(A) *the party defending the civil action if*
24 *the court finds that the party has raised 2 or*
25 *more bad faith defenses (which may include 1 or*

1 *more defenses raised in the instant civil action);*
 2 *or*

3 *“(B) an attorney or law firm representing*
 4 *the party defending the civil action if the court*
 5 *finds that the attorney or law firm has rep-*
 6 *resented—*

7 *“(i) a party who has raised 2 or more*
 8 *bad faith defenses (which may include 1 or*
 9 *more defenses raised in the instant civil ac-*
 10 *tion); or*

11 *“(ii) 2 or more parties who have each*
 12 *raised a bad faith defense (which may in-*
 13 *clude a defense raised in the instant civil*
 14 *action).*

15 *“(4) IMPLEMENTATION.—Rule 11(c) of the Fed-*
 16 *eral Rules of Civil Procedure shall apply to sanctions*
 17 *imposed under this subsection in the same manner as*
 18 *that rule applies to sanctions imposed for a violation*
 19 *of rule 11(b) of those Rules.*

20 *“(5) RULES OF CONSTRUCTION.—*

21 *“(A) RULE 11.—This subsection shall not be*
 22 *construed to limit or expand the application of*
 23 *rule 11 of the Federal Rules of Civil Procedure.*

24 *“(B) DEFINITION CHANGE.—Paragraph*
 25 *(1)(A)(ii) shall not be construed to apply to a*

1 *civil action affected by a contemporaneous*
 2 *change in the law with respect to the definition*
 3 *of ‘child pornography’.*

4 “(j) *DEFINITIONS.—In this section:*

5 “(1) *APP.—The term ‘app’ means a software ap-*
 6 *plication or electronic service that may be run or di-*
 7 *rected by a user on a computer, a mobile device, or*
 8 *any other general purpose computing device.*

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

12 “(A) *distributes apps from third-party de-*
 13 *velopers to users of a computer, a mobile device,*
 14 *or any other general purpose computing device;*
 15 *and*

16 “(B) *operates—*

17 “(i) *through the use of any means or*
 18 *facility of interstate or foreign commerce; or*

19 “(ii) *in or affecting interstate or for-*
 20 *eign commerce.*

21 “(3) *INTERACTIVE COMPUTER SERVICE.—The*
 22 *term ‘interactive computer service’ means an inter-*
 23 *active computer service, as defined in section 230(f)*
 24 *of the Communications Act of 1934 (47 U.S.C.*
 25 *230(f)), that operates—*

1 “(A) through the use of any means or facil-
2 ity of interstate or foreign commerce; or

3 “(B) in or affecting interstate or foreign
4 commerce.

5 “(k) SAVINGS CLAUSE.—Nothing in this section, in-
6 cluding the defenses under this section, shall be construed
7 to apply to any civil action brought under any other Fed-
8 eral law, rule, or regulation, including any civil action
9 brought against a provider of an interactive computer serv-
10 ice or an app store under section 1595 or 2255.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions for chapter 110 of title 18, United States Code,
13 is amended by inserting after the item relating to sec-
14 tion 2255 the following:

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

15 **SEC. 6. SEVERABILITY.**

16 If any provision of this Act, an amendment made by
17 this Act, or the application of such provision or amendment
18 to any person or circumstance is held to be unconstitu-
19 tional, the remainder of this Act and the amendments made
20 by this Act, and the application of the provision or amend-
21 ment to any other person or circumstance, shall not be af-
22 fected.

1 **SEC. 7. CONTINUED APPLICABILITY OF FEDERAL, STATE,**
2 **AND TRIBAL LAW.**

3 (a) *FEDERAL LAW.*—*Nothing in this Act or the*
4 *amendments made by this Act, nor any rule or regulation*
5 *issued pursuant to this Act or the amendments made by*
6 *this Act, shall affect or diminish any right or remedy for*
7 *a victim of child pornography or child sexual exploitation*
8 *under any other Federal law, rule, or regulation, including*
9 *any claim under section 2255 of title 18, United States*
10 *Code, with respect to any individual or entity.*

11 (b) *STATE OR TRIBAL LAW.*—*Nothing in this Act or*
12 *the amendments made by this Act, nor any rule or regula-*
13 *tion issued pursuant to this Act or the amendments made*
14 *by this Act, shall—*

15 (1) *preempt, diminish, or supplant any right or*
16 *remedy for a victim of child pornography or child*
17 *sexual exploitation under any State or Tribal com-*
18 *mon or statutory law; or*

19 (2) *prohibit the enforcement of a law governing*
20 *child pornography or child sexual exploitation that is*
21 *at least as protective of the rights of a victim as this*
22 *Act and the amendments made by this Act.*

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119TH CONGRESS
1ST Session

S. 1829

A BILL

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

JUNE 26 (legislative day, JUNE 24), 2025
Reported with an amendment