

117TH CONGRESS
1ST SESSION

S. 223

To establish the Office to Enforce and Protect Against Child Sexual
Exploitation.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Mr. WYDEN (for himself, Mr. BROWN, Ms. HIRONO, and Mrs. GILLIBRAND)
introduced the following bill; which was read twice and referred to the
Committee on Homeland Security and Governmental Affairs

A BILL

To establish the Office to Enforce and Protect Against Child
Sexual Exploitation.

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 “Invest in Child Safety
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CHILD SEXUAL EXPLOITATION.—The term
9 “child sexual exploitation” has the meaning given
10 the term “child exploitation” in section 2 of the

1 PROTECT Our Children Act of 2008 (34 U.S.C.
2 21101).

3 (2) COVERED PROGRAM OR AGENCY.—The term
4 “covered program or agency” means—

5 (A) each Federal program or Executive
6 agency involved in—

7 (i) the prevention, treatment of vic-
8 tims, investigation, or prosecution of child
9 sexual exploitation; or

10 (ii) other activities relating to ad-
11 dressing child sexual exploitation; or

12 (B) any other Federal program, agency, or
13 activity designated by the Director.

14 (3) DIRECTOR.—The term “Director” means
15 the Director of the Office appointed under section
16 3(b)(1).

17 (4) ENFORCEMENT AND PROTECTION STRAT-
18 EGY.—The term “enforcement and protection strat-
19 egy” means the enforcement and protection strategy
20 required under section 3(c)(4).

21 (5) EXECUTIVE AGENCY.—The term “Executive
22 agency” has the meaning given that term in section
23 105 of title 5, United States Code.

1 (6) FUND.—The term “Fund” means the Child
 2 Sexual Exploitation Treatment, Support, and Pre-
 3 vention Fund established under section 4(c)(1).

4 (7) HIGH-LEVEL REPRESENTATIVE.—The term
 5 “high-level representative” means an individual who
 6 is—

7 (A) appointed by the President, by and
 8 with the advice and consent of the Senate;

9 (B) in a Senior Executive Service position
 10 (as defined in section 3132(a) of title 5, United
 11 States Code); or

12 (C) for an entity that is not an Executive
 13 agency, serving in a leadership or other senior
 14 position in the entity.

15 (8) INDIAN TRIBE.—The term “Indian Tribe”
 16 has the meaning given the term “Indian tribe” in
 17 section 4(e) of the Indian Self-Determination and
 18 Education Assistance Act (25 U.S.C. 5304(e)).

19 (9) OFFICE.—The term “Office” means the Of-
 20 fice to Enforce and Protect Against Child Sexual
 21 Exploitation established under section 3(a).

1 **SEC. 3. OFFICE TO ENFORCE AND PROTECT AGAINST**
2 **CHILD SEXUAL EXPLOITATION.**

3 (a) **ESTABLISHMENT.**—There is established in the
4 Executive Office of the President an Office to Enforce and
5 Protect Against Child Sexual Exploitation.

6 (b) **DIRECTOR.**—

7 (1) **APPOINTMENT.**—The Office shall be headed
8 by a Director who shall be appointed by the Presi-
9 dent, by and with the advice and consent of the Sen-
10 ate.

11 (2) **TERM.**—

12 (A) **IN GENERAL.**—The Director shall be
13 appointed for a term of 5 years.

14 (B) **LIMITATION.**—An individual may not
15 serve more than 2 terms as the Director.

16 (3) **QUALIFICATIONS.**—The individual ap-
17 pointed as the Director shall have—

18 (A) a demonstrated ability in managing
19 large organizations and coordinating offices;

20 (B) experience prosecuting Federal child
21 sexual exploitation crimes; and

22 (C) proficiency in investigating crimes that
23 have a technological or cyber component.

24 (4) **COORDINATION OF ACTIVITIES.**—The Direc-
25 tor shall coordinate the activities of the Office with
26 the Attorney General, the Director of the Federal

1 Bureau of Investigation, the Secretary of Defense,
2 the Secretary of Health and Human Services, the
3 Secretary of Homeland Security, the Secretary of
4 Education, the Chairman of the Interagency Task
5 Force to Monitor and Combat Trafficking in Per-
6 sons established under section 105 of the Traf-
7 ficking Victims Protection Act of 2000 (22 U.S.C.
8 7103), and the President of the National Center for
9 Missing and Exploited Children.

10 (c) DUTIES.—The Director shall—

11 (1) coordinate the activities of covered pro-
12 grams and agencies;

13 (2) cooperate, as appropriate, with foreign law
14 enforcement agencies, including through—

15 (A) information sharing and providing
16 technical assistance; and

17 (B) detailing employees of the Office to
18 high priority countries that are the source of
19 visual depictions of child sexual exploitation;

20 (3) not less than 3 times per year, convene a
21 meeting of high-level representatives of the Depart-
22 ment of Justice, the Federal Bureau of Investiga-
23 tion, the Department of Defense, the Department of
24 Health and Human Services, the Department of
25 Homeland Security, the Department of Education,

1 the Interagency Task Force to Monitor and Combat
2 Trafficking in Persons established under section 105
3 of the Trafficking Victims Protection Act of 2000
4 (22 U.S.C. 7103), and the National Center for Miss-
5 ing and Exploited Children, to ensure success of the
6 enforcement and protection strategy;

7 (4) not later than 180 days after the date on
8 which each Director is first appointed to the position
9 of Director, submit to Congress an enforcement and
10 protection strategy for—

11 (A) the prevention, investigation, or pros-
12 ecution of child sexual exploitation by Executive
13 agencies;

14 (B) the treatment of and services provided
15 to victims of child sexual exploitation by Execu-
16 tive agencies; and

17 (C) other activities of Executive agencies
18 relating to addressing child sexual exploitation;

19 (5) during the 60-day period beginning on the
20 date on which each Director is first appointed to the
21 position of Director, solicit comments from the pub-
22 lic on the enforcement and protection strategy;

23 (6) not later than 180 days after the date on
24 which each Director is first appointed to the position
25 of Director, submit to Congress a spending plan,

1 which shall be developed in consultation with the
2 head of covered programs and agencies and the Di-
3 rector of the Office of Management and Budget;

4 (7) with respect to each fiscal year, for not less
5 than a period of 30 days before the start of such fis-
6 cal year, seek public comment on the funding prior-
7 ities of the Office and covered programs and agen-
8 cies for such fiscal year, including funding transfers
9 and grants to be made from the Fund during such
10 fiscal year;

11 (8) not later than March 1 of each year, submit
12 to Congress an annual report—

13 (A) detailing the work of the Office and
14 each covered program or agency during the pre-
15 vious fiscal year and evaluating the efficacy of
16 the use of funds by the Office and covered pro-
17 grams and agencies during the previous fiscal
18 year, which shall include, with respect to such
19 previous fiscal year—

20 (i) the number and nature of reports
21 to the CyberTipline of the National Center
22 for Missing and Exploited Children, or any
23 successor to such CyberTipline operated by
24 the National Center for Missing and Ex-
25 ploited Children;

1 (ii) the number and nature of inves-
2 tigations conducted relating to child sexual
3 exploitation;

4 (iii) the number and nature of arrests
5 relating to child sexual exploitation;

6 (iv) the number and nature of ongoing
7 prosecutions of offenses involving child sex-
8 ual exploitation;

9 (v) the number of prosecutions of of-
10 fenses involving child sexual exploitation by
11 judicial district;

12 (vi) the number of convictions of of-
13 fenses involving child sexual exploitation;

14 (vii) the number of convictions of of-
15 fenses involving child sexual exploitation by
16 judicial district;

17 (viii) the number of referrals of of-
18 fenses involving child sexual exploitation to
19 non-Federal entities, including foreign law
20 enforcement agencies, broken down by ju-
21 risdiction and entity;

22 (ix) a summary of all transfers and
23 grants made from the Fund; and

1 (x) a summary of any unobligated
 2 funds from transfers and grants made for
 3 a previous fiscal year from the Fund; and

4 (B) discussing the funding priorities of the
 5 Office and covered programs and agencies for
 6 the current fiscal year, which shall include—

7 (i) an outline of planned funding
 8 transfers and grants to be made from the
 9 Fund during the current fiscal year; and

10 (ii) a summary of public comments on
 11 such funding priorities received under
 12 paragraph (7); and

13 (9) not later than May 1 of each year, appear
 14 before the Committee on the Judiciary of the Senate
 15 and the Committee on the Judiciary of the House of
 16 Representatives to discuss the enforcement and pro-
 17 tection strategy, including any updates.

18 (d) NOTICE OF CHANGES BY COVERED PROGRAMS
 19 AND AGENCIES.—

20 (1) IN GENERAL.—The head of each covered
 21 program or agency shall notify the Director in writ-
 22 ing of any proposed policy change relating to—

23 (A) the prevention, investigation, or pros-
 24 ecution of child sexual exploitation;

1 (B) the treatment of victims of child sexual
2 exploitation; or

3 (C) other activities relating to addressing
4 child sexual exploitation.

5 (2) RESPONSE.—The Director shall respond
6 promptly to any notice under paragraph (1), which
7 shall include the determination of the Director re-
8 garding whether the proposed policy change is con-
9 sistent with the enforcement and protection strategy.

10 **SEC. 4. INCREASED FUNDING, TREATMENT, AND SUPPORT**
11 **FOR VICTIMS OF CHILD SEXUAL EXPLOI-**
12 **TATION AND PROGRAMS AND SERVICES TO**
13 **PREVENT CHILD SEXUAL EXPLOITATION.**

14 (a) PROGRAMS.—

15 (1) IN GENERAL.—For each of fiscal years
16 2021 through 2030, the Director shall make the fol-
17 lowing transfers from the Fund:

18 (A) UNITED STATES ATTORNEYS OF-
19 FICES.—To the Department of Justice,
20 \$100,000,000 for child sexual exploitation pros-
21 ecutions by offices of the United States attor-
22 ney.

23 (B) CHILD EXPLOITATION AND OBSCENITY
24 SECTION.—To the Department of Justice, such
25 sums as are necessary to ensure that there are

1 not fewer than 120 prosecutors and agents em-
2 ployed in the Child Exploitation and Obscenity
3 Section of the Criminal Division.

4 (C) FEDERAL BUREAU OF INVESTIGA-
5 TION.—To the Federal Bureau of Investigation,
6 such sums as are necessary to ensure that the
7 total number of case agents and investigators
8 employed in the Innocent Images National Ini-
9 tiative, the Crimes Against Children Unit, the
10 Child Abduction Rapid Deployment Teams, and
11 the Child Exploitation and Human Trafficking
12 Task Forces of the Federal Bureau of Inves-
13 tigation is not less than 100 more than the
14 total number of such case agents and investiga-
15 tors on the date of enactment of this Act.

16 (D) NATIONAL CENTER FOR MISSING AND
17 EXPLOITED CHILDREN.—To the Department of
18 Justice, \$15,000,000 for a grant by the Office
19 of Juvenile Justice and Delinquency Prevention
20 to the National Center for Missing and Ex-
21 ploited Children to—

22 (i) ensure that the total number of
23 analysts, engineers, and other employees at
24 the National Center for Missing and Ex-
25 ploited Children supporting, evaluating,

1 and processing child sexual abuse material
 2 tips from technology companies is not less
 3 than 65 more than the number of such an-
 4 alysts, engineers, and other employees on
 5 the date of enactment of this Act; and

6 (ii) upgrade and maintain technology
 7 infrastructure and methods.

8 (E) INTERNET CRIMES AGAINST CHILDREN
 9 TASK FORCES.—To the Department of Justice,
 10 \$60,000,000 for grants to States for activities
 11 relating to Internet Crimes Against Children
 12 Task Forces.

13 (F) NATIONAL CRIMINAL JUSTICE TRAIN-
 14 ING CENTER.—To the Department of Justice,
 15 \$5,000,000 for a grant to the National Crimi-
 16 nal Justice Training Center.

17 (G) CHILDREN’S ADVOCACY PROGRAMS.—
 18 To the agency head designated under section
 19 201(b) of the Juvenile Justice and Delinquency
 20 Prevention Act of 1974 (34 U.S.C. 11111(b)),
 21 \$27,000,000 for grants to local children’s advo-
 22 cacy centers under section 214 of the Victims
 23 of Child Abuse Act of 1990 (34 U.S.C. 20304).

24 (H) STREET OUTREACH PROGRAM.—To
 25 the Department of Health and Human Services,

1 \$16,000,000 for the Street Outreach Program
2 of the Family and Youth Services Bureau.

3 (b) GRANTS AND TRANSFERS TO AGENCIES, PRO-
4 GRAMS, AND SERVICES.—

5 (1) IN GENERAL.—Using amounts in the Fund,
6 the Director may make grants and transfer funds to
7 Executive agencies for treatment and support for
8 victims of child sexual exploitation and evidence-
9 based programs and services to prevent child sexual
10 exploitation.

11 (2) INCLUDED SERVICES AND PROGRAMS.—In
12 carrying out paragraph (1), the Director may—

13 (A) transfer funds to the Street Outreach
14 Program of the Department of Health and
15 Human Services;

16 (B) make grants to local governments and
17 Indian Tribes for hiring mental health services
18 providers, including school-based mental health
19 services providers to work at public elementary
20 schools and secondary schools;

21 (C) make grants to non-Federal entities or
22 transfer funds to Executive agencies to provide
23 training to mental health services providers, in-
24 cluding school-based mental health services pro-
25 viders to detect cases of child sexual exploi-

1 tation and to treat victims of child sexual ex-
2 ploitation;

3 (D) transfer funds to the Internet Crimes
4 Against Children Task Force program, the Vic-
5 tim Identification program, and the Child Ex-
6 ploitation Investigations Unit of U.S. Immigra-
7 tion and Customs Enforcement;

8 (E) make grants to the National Center
9 for Missing and Exploited Children;

10 (F) make grants to non-Federal entities or
11 transfer funds to Executive agencies to provide
12 community education relating to the detection,
13 prevention, and treatment of victims of child
14 sexual exploitation;

15 (G) make grants to non-Federal entities or
16 transfer funds to Executive agencies to provide
17 information and training to individuals and or-
18 ganizations providing assistance to victims of
19 child sexual exploitation;

20 (H) transfer funds to the agency head des-
21 ignated under section 201(b) of the Juvenile
22 Justice and Delinquency Prevention Act of
23 1974 (34 U.S.C. 11111(b)) for grants to local
24 children's advocacy centers under section 214 of

1 the Victims of Child Abuse Act of 1990 (34
2 U.S.C. 20304);

3 (I) transfer funds to the Innocent Images
4 National Initiative, the Crimes Against Children
5 Unit, the Child Abduction Rapid Deployment
6 Teams, and the Child Exploitation and Human
7 Trafficking Task Forces of the Federal Bureau
8 of Investigation;

9 (J) transfer funds to the Child Exploi-
10 tation and Obscenity Section of the Criminal
11 Division of the Department of Justice;

12 (K) make grants to nonprofit private agen-
13 cies for the purpose of providing street-based
14 services to runaway and homeless, and street
15 youth, who have been subjected to, or are at
16 risk of being subjected to, sexual abuse, pros-
17 titution, sexual exploitation, severe forms of
18 trafficking in persons (as defined in section
19 103(11) of the Trafficking Victims Protection
20 Act of 2000 (22 U.S.C. 7102(11))), or sex traf-
21 ficking (as defined in section 103(12) of the
22 Trafficking Victims Protection Act of 2000 (22
23 U.S.C. 7102(12)));

24 (L) make grants to the National Criminal
25 Justice Training Center; and

1 (M) make grants or transfer funds to any
2 other covered program or agency for programs
3 or activities directed at addressing child sexual
4 exploitation.

5 (c) FUNDING.—

6 (1) IN GENERAL.—There is established in the
7 Treasury a fund to be known as the “Child Sexual
8 Exploitation Treatment, Support, and Prevention
9 Fund”, consisting of amounts transferred under
10 paragraph (2).

11 (2) TRANSFER.—The Secretary of the Treasury
12 shall transfer to the Fund, from the general fund of
13 the Treasury, \$5,000,000,000 for fiscal year 2021,
14 to remain available through September 30, 2030.

15 (3) USE OF FUNDS.—

16 (A) IN GENERAL.—The Director may use
17 amounts in the Fund, without further appro-
18 priation, to carry out this section.

19 (B) SUPPLEMENT NOT SUPPLANT.—
20 Amounts made available to agencies, programs,
21 and services from the Fund shall supplement,
22 but not supplant, regular appropriations for
23 such agencies, programs, and services.

24 (4) CUSTOMS USER FEES.—

(A) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(i) in subparagraph (A), by striking “October 21, 2029” and inserting “August 31, 2030”; and

(ii) in subparagraph (B)(i), by striking “October 21, 2029” and inserting “August 31, 2030”.

(B) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States-Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended in the matter preceding paragraph (1) by striking “October 21, 2029” and inserting “August 31, 2030”.

SEC. 5. EVALUATION OF PREVENTION PROGRAMS.

The Director, in coordination with the Director of the National Institute of Justice, shall enter into an agreement with the Deputy Assistant Secretary for Planning, Research, and Evaluation of the Department of Health and Human Services under which the Deputy Assistant Secretary shall conduct a study and, not later than 6 years

1 after the date of enactment of this Act, publicly issue a
2 report—

3 (1) identifying risk factors that may make cer-
4 tain individuals more vulnerable to child sexual ex-
5 ploitation;

6 (2) identifying the programs with the greatest
7 potential for preventing child sexual exploitation;
8 and

9 (3) evaluating promising programs being devel-
10 oped in the field of child sexual exploitation preven-
11 tion.

12 **SEC. 6. GAO STUDY.**

13 The Comptroller General of the United States, in
14 consultation with the Director, shall study and publicly
15 issue a report documenting all Federal funding (including
16 grants to States, local governments, Indian Tribes, non-
17 profit entities, and other entities) for the prevention, de-
18 tection, enforcement, and treatment of child sexual exploi-
19 tation, which shall separately report on activities relating
20 to child sexual abuse material.

21 **SEC. 7. MODERNIZING THE CYBERTIPLINE.**

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

24 (1) in section 2258A—

25 (A) in subsection (a)—

1 (i) in paragraph (1)(B)(ii), by insert-
 2 ing after “facts or circumstances” the fol-
 3 lowing: “, including any available facts or
 4 circumstances sufficient to identify and lo-
 5 cate each involved individual,”; and

6 (ii) in paragraph (2)(A)—

7 (I) by inserting “1591 (if the vio-
 8 lation involves a minor),” before
 9 “2251,”; and

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

12 (B) in subsection (b)—

13 (i) in paragraph (1)—

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

16 (II) by striking “other identifying
 17 information,” and inserting “other in-
 18 formation which may identify or lo-
 19 cate the involved individual,”; and

20 (ii) by adding at the end the fol-
 21 lowing:

22 “(6) FORMATTING OF REPORTS.—When in its
 23 discretion a provider voluntarily includes any content
 24 described in this subsection in a report to the
 25 CyberTipline, the provider shall use best efforts to

1 ensure that the report conforms with the structure
2 of the CyberTipline.”;

3 (C) in subsection (d)(5)(B)—

4 (i) in clause (i), by striking “for-
5 warded” and inserting “made available”;
6 and

7 (ii) in clause (ii), by striking “for-
8 warded” and inserting “made available”;
9 and

10 (D) in subsection (h)—

11 (i) in paragraph (1), by striking “90
12 days” and inserting “180 days”; and

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

15 “(5) EXTENSION OF PRESERVATION.—A pro-
16 vider of a report to the CyberTipline may voluntarily
17 preserve the contents provided in the report (includ-
18 ing any commingled content described in paragraph
19 (2)) for longer than 180 days after the submission
20 to the CyberTipline for the purpose of reducing the
21 proliferation of online child sexual exploitation or
22 preventing the online sexual exploitation of children.

23 “(6) METHOD OF PRESERVATION.—A provider
24 of a report to the CyberTipline shall preserve mate-
25 rial under this subsection in a manner that complies

with the cybersecurity standards for the protection of data under the cybersecurity framework established by the National Institute of Standards and Technology.”; and

(2) in section 2258C—

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

(B) in subsection (a)—

(i) in paragraph (1)—

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

“(A) PROVISION TO PROVIDERS.—
NCMEC”;

(II) in subparagraph (A), as so designated, by inserting “or submission to the child victim identification program described in section 404(b)(1)(K)(ii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)(ii))” after “CyberTipline report”; and

(III) by adding at the end the following:

“(B) PROVISION TO NON-PROFIT ENTITIES.—NCMEC may provide hash values or similar technical identifiers associated with visual depictions provided in a CyberTipline report or submission to the child victim identification program described in section 404(b)(1)(K)(ii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)(ii)) to a non-profit entity for the sole and exclusive purpose of preventing and curtailing the online sexual exploitation of children.”; and

(ii) in paragraph (2)—

(I) by inserting “(A)” after “(1)”;

(II) by inserting “or submission to the child victim identification program described in section 404(b)(1)(K)(ii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)(ii))” after “CyberTipline report”; and

(III) by adding at the end the following: “The elements authorized

1 under paragraph (1)(B) shall be lim-
 2 ited to hash values or similar tech-
 3 nical identifiers associated with visual
 4 depictions provided in a CyberTipline
 5 report or submission to the child vic-
 6 tim identification program described
 7 in section 404(b)(1)(K)(ii) of the Ju-
 8 venile Justice and Delinquency Pre-
 9 vention Act of 1974 (34 U.S.C.
 10 11293(b)(1)(K)(ii)).”; and

11 (C) in subsection (d), by inserting “or to
 12 the child victim identification program de-
 13 scribed in section 404(b)(1)(K)(ii) of the Juve-
 14 nile Justice and Delinquency Prevention Act of
 15 1974 (34 U.S.C. 11293(b)(1)(K)(ii))” after
 16 “CyberTipline”.

17 (b) CONFORMING AMENDMENT.—The table of sec-
 18 tions for chapter 110 of title 18, United States Code, is
 19 amended by striking the item relating to section 2258C
 20 and inserting the following:

“2258C. Use to combat child pornography of technical elements relating to re-
 ports made to NCMEC.”.

○