

BENNET, Ms. DUCKWORTH, Ms. CANTWELL, Mrs. SHAHEEN, Mr. VAN HOLLEN, Mr. KING, Mr. WYDEN, Mr. FETTERMAN, Ms. BUTLER, Mr. REED, Mr. CARPER, Ms. CORTEZ MASTO, Mr. WELCH, Ms. ROSEN, Mr. MURPHY, Ms. SINEMA, Mr. SANDERS, Mr. MENENDEZ, Mrs. GILLIBRAND, Ms. SMITH, Mr. SCHATZ, Mr. KELLY, Mr. MARKEY, Ms. HASSAN, Mr. WHITEHOUSE, Mr. WARNOCK, Mr. DURBIN, Mr. BOOKER, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 510

Whereas Congress, by enacting the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), authorized the Food and Drug Administration (referred to in this preamble as the “FDA”) to determine, based on the scientific expertise of the FDA, whether a drug is safe and effective for the intended use of the drug;

Whereas mifepristone is a medication that can be used to terminate a pregnancy;

Whereas mifepristone received approval from the FDA more than 20 years ago, and according to the FDA, the “efficacy and safety [of mifepristone] have become well-established by both research and experience, and serious complications have proven to be extremely rare”;

Whereas the FDA approved mifepristone following a rigorous 54-month review period that included the review of 3 complete phases of clinical trials that involved thousands of participants and whose data showed that mifepristone was safe and effective for termination of an early pregnancy;

Whereas, in January 2023, after extensive evidence-based review, the FDA approved a modification to the Mifepristone Risk Evaluation and Mitigation Strategy that removed the in-person dispensing requirement and added a pharmacy certification requirement, allowing Mifeprex and its approved generic mifepristone, Mifepristone Tablets, 200mg, to be dispensed by certified pharmacies, both in-person and by mail, as well as by or under the supervision of certified prescribers;

Whereas the FDA relied on overwhelming evidence that medication abortion using mifepristone is a safe and effective method to end a pregnancy;

Whereas leading medical and scientific organizations, including the World Health Organization, the American Medical Association, the American College of Obstetricians and Gynecologists, and the American Academy of Family Physicians, recognize that mifepristone is safe and effective and continue to recommend the availability of mifepristone for use in obstetric care;

Whereas the importance of medication abortion is recognized globally, and the World Health Organization has included mifepristone on its list of essential medicines since 2005;

Whereas the safety record of mifepristone is demonstrated by its availability in more than 90 countries, including countries without restrictions such as the FDA risk evaluation and mitigation strategy requirement;

Whereas medication abortion accounted for more than half of all abortions in the United States in 2021;

Whereas following the decision of the Supreme Court of the United States in *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022), to overturn decades of precedent in *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), several States moved to further re-

strict access to abortion care, compounding an already complex landscape and exacerbating the existing abortion access crisis;

Whereas, as of December 13, 2023, 17 States have filed bills with antimedication abortion provisions, and multiple States, including Florida, North Carolina, and Wyoming, have enacted restrictions on medication abortion;

Whereas mere months after the decision of the Supreme Court of the United States to overturn *Roe v. Wade*, 410 U.S. 113 (1973), and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), in *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022), anti-abortion groups have filed baseless claims against the FDA over the approval of mifepristone, in an attempt to remove mifepristone from the market;

Whereas the impact to the health and well-being of patients across the country would be devastating if mifepristone were taken off the market;

Whereas abortion bans and restrictions force patients to travel greater distances for care and face longer wait times, and force some patients who are unable to access care to remain pregnant against their will;

Whereas, if mifepristone is taken off the market, providers may be prevented from treating pregnancy loss using mifepristone, and abortion providers and health care centers may be stretched impossibly thin and be unable to keep up with the demand of patients who need abortion care; and

Whereas, due to discrimination, unnecessary restrictions on abortion, including medication abortion, disproportionately push care out of reach for—

- (1) Black and Indigenous people;
- (2) people of color;
- (3) immigrants;
- (4) people with lower incomes;
- (5) people in rural communities;
- (6) LGBTQ+ people;
- (7) people living with disabilities; and
- (8) other pregnant people who have been disproportionately harmed by systemic inequities in health care: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) policies governing access to medication abortion care in the United States should be grounded in science and based on scientific review by the Food and Drug Administration of available medical evidence;

(2) Congress has granted the Food and Drug Administration the authority to conduct pre-market approvals and post-market reviews of prescription drug medications and medical devices based on scientific determinations of their safety and efficacy, and without interference from other branches of government at the Federal, State, and local levels;

(3) the Food and Drug Administration has performed scientific reviews of mifepristone, and in the 2000 approval and subsequent regulatory actions in 2011, 2016, 2019, and 2023, the Food and Drug Administration found mifepristone to be safe and effective for women seeking abortions; and

(4) medication abortion is an important method to ensure equitable access to abortion for patients harmed by statutory, regulatory, financial, and circumstantial restrictions that have worsened reproductive health disparities for—

- (A) Black and Indigenous people;
- (B) people of color;
- (C) immigrants;
- (D) people with lower incomes;
- (E) people in rural communities;
- (F) LGBTQ+ people;
- (G) people living with disabilities; and
- (H) people in other marginalized communities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1377. Mr. SCHUMER (for Mrs. BLACKBURN (for herself and Mr. OSSOFF)) proposed an amendment to the bill S. 474, to amend title 18, United States Code, to strengthen reporting to the CyberTipline related to online sexual exploitation of children, to modernize liabilities for such reports, to preserve the contents of such reports for 1 year, and for other purposes.

SA 1378. Mr. SCHUMER (for Mr. KELLY (for himself, Mr. CRUZ, Mr. YOUNG, Mr. HAGERTY, Mr. BROWN, Ms. SINEMA, and Mr. HEINRICH)) proposed an amendment to the bill S. 2228, to amend the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 to clarify the scope of a major Federal action under the National Environmental Policy Act of 1969 with respect to certain projects relating to the production of semiconductors, and for other purposes.

TEXT OF AMENDMENTS

SA 1377. Mr. SCHUMER (for Mrs. BLACKBURN (for herself and Mr. OSSOFF)) proposed an amendment to the bill S. 474, to amend title 18, United States Code, to strengthen reporting to the CyberTipline related to online sexual exploitation of children, to modernize liabilities for such reports, to preserve the contents of such reports for 1 year, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Revising Existing Procedures On Reporting via Technology Act” or the “REPORT Act”.

SEC. 2. LIMITED LIABILITY MODERNIZATION.

(a) AMENDMENTS.—Section 2258B of title 18, United States Code, is amended—

(1) in the section heading, by striking “**providers or domain name registrars**” and inserting “**the reporting, storage, and handling of certain visual depictions of apparent child pornography to the National Center for Missing & Exploited Children**”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “or charge” after “a claim”;

and

(B) in paragraph (2)(C), by striking “this section.”;

(3) by adding at the end the following:

“(d) LIMITED LIABILITY FOR NCMEC-CONTRACTED VENDORS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a civil claim or criminal charge may not be brought in any Federal or State court against a vendor contractually retained and designated by NCMEC to support the duties of NCMEC under section 404(b)(1)(K) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)).

“(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) shall not apply to a claim or charge if the vendor—

“(A) engaged in—

“(i) intentional misconduct; or

“(ii) negligent conduct; or

“(B) acted, or failed to act—

“(i) with actual malice;

“(ii) with reckless disregard to a substantial risk of causing injury without legal justification; or

“(iii) for a purpose unrelated to the performance of any responsibility or function—

“(I) set forth in paragraph (1); or

“(II) pursuant to sections 2258A, 2258C, 2702, or 2703.

“(3) **VENDOR CYBERSECURITY REQUIREMENTS.**—With respect to any visual depiction provided pursuant to the duties of NCMEC under section 404(b)(1)(K) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)) that is stored or transferred by a vendor contractually retained and designated by NCMEC to support such duties of NCMEC, a vendor shall—

“(A) secure such visual depiction in a manner that is consistent with the most recent version of the Cybersecurity Framework developed by the National Institute of Standards and Technology, or any successor thereto;

“(B) minimize the number of employees that may be able to obtain access to such visual depiction;

“(C) employ end-to-end encryption for data storage and transfer functions, or an equivalent technological standard;

“(D) undergo an independent annual cybersecurity audit to determine whether such visual depiction is secured as required under subparagraph (A); and

“(E) promptly address all issues identified by an audit described in subparagraph (D).

“(e) **LIMITED LIABILITY FOR REPORTING APPARENT CHILD PORNOGRAPHY BY AN INDIVIDUAL DEPICTED IN THE CHILD PORNOGRAPHY AS A MINOR, OR A REPRESENTATIVE OF SUCH INDIVIDUAL.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), a civil claim or criminal charge may not be brought in any Federal or State court against an individual depicted in child pornography as a minor, or a representative of such individual, arising from a report to the NCMEC CyberTipline by the individual, or the representative of such individual, of information that relates to the child pornography in which the individual is depicted as a minor, including a copy of the child pornography.

“(2) **INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.**—Paragraph (1) shall not apply to a claim or charge if the individual, or the representative of such individual—

“(A) engaged in—

- “(i) intentional misconduct;
- “(ii) negligent conduct; or
- “(iii) any activity which constitutes a violation of section 2251; or

“(B) acted, or failed to act—

- “(i) with actual malice; or
- “(ii) with reckless disregard to a substantial risk of causing injury without legal justification.

“(3) **MINIMIZING ACCESS.**—With respect to any child pornography reported to the NCMEC CyberTipline by an individual depicted in the child pornography as a minor, or a representative of such individual, NCMEC shall minimize access to the child pornography and ensure the appropriate deletion of the child pornography, as set forth in section 2258D.

“(4) **DEFINITION.**—For purposes of this subsection, the term ‘representative’, with respect to an individual depicted in child pornography—

“(A) means—

- “(i) the parent or legal guardian of the individual, if the individual is under 18 years of age;

- “(ii) the legal guardian or other person appointed by a court to represent the individual;

- “(iii) a legal representative retained by the individual;

- “(iv) a representative of the estate of the individual; or

- “(v) a person who is a mandated reporter under section 226(a)(1) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341(a)(1)); and

“(B) does not include a person who engaged in any activity which constitutes a violation of section 2251.”

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to a civil claim or criminal charge that is filed on or after the date of enactment of this Act.

(c) **TABLE OF SECTIONS AMENDMENT.**—The table of sections for chapter 110 of title 18, United States Code, is amended by striking the item relating to section 2258B and inserting the following:

“2258B. Limited liability for the reporting, storage, and handling of certain visual depictions of apparent child pornography to the National Center for Missing & Exploited Children.”

SEC. 3. PRESERVATION OF REPORTS TO CYBERTIPLINE RELATED TO ONLINE SEXUAL EXPLOITATION OF CHILDREN.

Section 2258A(h) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “90 days” and inserting “1 year”; and

(2) by adding at the end the following:

“(5) **EXTENSION OF PRESERVATION.**—A provider of a report to the CyberTipline under subsection (a)(1) may voluntarily preserve the contents provided in the report (including any comingled content described in paragraph (2)) for longer than 1 year after the submission to the CyberTipline for the purpose of reducing the proliferation of online child sexual exploitation or preventing the online sexual exploitation of children.

“(6) **METHOD OF PRESERVATION.**—Not later than 1 year after the date of enactment of this paragraph, a provider of a report to the CyberTipline under subsection (a)(1) shall preserve materials under this subsection in a manner that is consistent with the most recent version of the Cybersecurity Framework developed by the National Institute of Standards and Technology, or any successor thereto.”

SEC. 4. STRENGTHENING OF DUTY TO REPORT APPARENT VIOLATIONS TO CYBERTIPLINE RELATED TO ONLINE EXPLOITATION OF CHILDREN.

(a) **AMENDMENTS.**—Section 2258A of title 18, United States Code, is amended—

(1) in subsection (a)(2)(A), by inserting “, of section 1591 (if the violation involves a minor), or of 2422(b)” after “child pornography”; and

(2) in subsection (e)—

(A) in paragraph (1), by striking “\$150,000” and inserting “\$850,000 in the case of a provider with not less than 100,000,000 monthly active users or \$600,000 in the case of a provider with less than 100,000,000 monthly active users”; and

(B) in paragraph (2), by striking “\$300,000” and inserting “\$1,000,000 in the case of a provider with not less than 100,000,000 monthly active users or \$850,000 in the case of a provider with less than 100,000,000 monthly active users”.

(b) **GUIDELINES.**—Not later than 180 days after the date of enactment of this Act, the National Center for Missing & Exploited Children may issue guidelines, as appropriate, to providers required or permitted to take actions described in section 2258A(a)(1)(B) of title 18, United States Code, on the relevant identifiers for content that may indicate sex trafficking of children, as described in section 1591 of that title, or enticement, as described in section 2422(b) of that title.

SA 1378. Mr. SCHUMER (for Mr. KELLY (for himself, Mr. CRUZ, Mr. YOUNG, Mr. HAGERTY, Mr. BROWN, Ms. SINEMA, and Mr. HEINRICH)) proposed

an amendment to the bill S. 2228, to amend the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 to clarify the scope of a major Federal action under the National Environmental Policy Act of 1969 with respect to certain projects relating to the production of semiconductors, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Building Chips in America Act of 2023”.

SEC. 2. SEMICONDUCTOR PROGRAM.

Title XCIX of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651 et seq.) is amended—

(1) in section 9902 (15 U.S.C. 4652)—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

“(h) **AUTHORITY RELATING TO ENVIRONMENTAL REVIEW.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law, the provision by the Secretary of Federal financial assistance for a project described in this section that satisfies the requirements under subsection (a)(2)(C)(i) of this section shall not be considered to be a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred to in this subsection as ‘NEPA’) or an undertaking for the purposes of division A of subtitle III of title 54, United States Code, if—

“(A) the activity described in the application for that project has commenced not later than December 31, 2024;

“(B) the Federal financial assistance provided is in the form of a loan or loan guarantee; or

“(C) the Federal financial assistance provided, excluding any loan or loan guarantee, comprises not more than 10 percent of the total estimated cost of the project.

“(2) **SAVINGS CLAUSE.**—Nothing in this subsection may be construed as altering whether an activity described in subparagraph (A), (B), or (C) of paragraph (1) is considered to be a major Federal action under NEPA, or an undertaking under division A of subtitle III of title 54, United States Code, for a reason other than that the activity is eligible for Federal financial assistance provided under this section.”; and

(2) in section 9909 (15 U.S.C. 4659), by adding at the end the following:

“(c) **LEAD FEDERAL AGENCY AND COOPERATING AGENCIES.**—

“(1) **DEFINITION.**—In this subsection, the term ‘lead agency’ has the meaning given the term in section 111 of NEPA (42 U.S.C. 4336e).

“(2) **OPTION TO SERVE AS LEAD AGENCY.**—With respect to a covered activity that is a major Federal action under NEPA, and with respect to which the Department of Commerce is authorized or required by law to issue an authorization or take action for or relating to that covered activity, the Department of Commerce shall have the first right to serve as the lead agency with respect to that covered activity under NEPA.

“(d) **CATEGORICAL EXCLUSIONS.**—

“(1) **ESTABLISHMENT OF CATEGORICAL EXCLUSIONS.**—Each of the following categorical exclusions is established for the National Institute of Standards and Technology with respect to a covered activity and, beginning on the date of enactment of this subsection, is available for use by the Secretary with respect to a covered activity:

“(A) Categorical exclusion 17.04.d (relating to the acquisition of machinery and equipment) in the document entitled ‘EDA Program to Implement the National Environmental Policy Act of 1969 and Other Federal Environmental Mandates As Required’ (Directive No. 17.02-2; effective date October 14, 1992).

“(B) Categorical exclusion A9 in Appendix A to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

“(C) Categorical exclusions B1.24, B1.31, B2.5, and B5.1 in Appendix B to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

“(D) The categorical exclusions described in paragraphs (4) and (13) of section 50.19(b) of title 24, Code of Federal Regulations, or any successor regulation.

“(E) Categorical exclusion (c)(1) in Appendix B to part 651 of title 32, Code of Federal Regulations, or any successor regulation.

“(F) Categorical exclusions A2.3.8 and A2.3.14 in Appendix B to part 989 of title 32, Code of Federal Regulations, or any successor regulation.

“(2) ADDITIONAL CATEGORICAL EXCLUSIONS.—Notwithstanding any other provision of law, each of the following shall be treated as a category of action categorically excluded from the requirements relating to environmental assessments and environmental impact statements under section 1501.4 of title 40, Code of Federal Regulations, or any successor regulation:

“(A) The provision by the Secretary of any Federal financial assistance for a project described in section 9902, if the facility that is the subject of the project is on or adjacent to a site—

“(i) that is owned or leased by the covered entity to which Federal financial assistance is provided for that project; and

“(ii) on which, as of the date on which the Secretary provides that Federal financial assistance, substantially similar construction, expansion, or modernization is being or has been carried out, such that the facility would not more than double existing developed acreage or on-site supporting infrastructure.

“(B) The provision by the Secretary of Defense of any Federal financial assistance relating to—

“(i) the creation, expansion, or modernization of one or more facilities described in the second sentence of section 9903(a)(1); or

“(ii) carrying out section 9903(b), as in effect on the date of enactment of this subsection.

“(C) Any activity undertaken by the Secretary relating to carrying out section 9906, as in effect on the date of enactment of this subsection.

“(e) INCORPORATION OF PRIOR PLANNING DECISIONS.—

“(1) DEFINITION.—In this subsection, the term ‘prior studies and decisions’ means baseline data, planning documents, studies, analyses, decisions, and documentation that a Federal agency has completed for a project (or that have been completed under the laws and procedures of a State or Indian Tribe), including for determining the reasonable range of alternatives for that project.

“(2) RELIANCE ON PRIOR STUDIES AND DECISIONS.—In completing an environmental review under NEPA for a covered activity, the Secretary may consider and, as appropriate, rely on or adopt prior studies and decisions, if the Secretary determines that—

“(A) those prior studies and decisions meet the standards for an adequate statement, assessment, or determination under applicable procedures of the Department of Commerce implementing the requirements of NEPA;

“(B) in the case of prior studies and decisions completed under the laws and procedures of a State or Indian Tribe, those laws and procedures are of equal or greater rigor than those of each applicable Federal law, including NEPA, implementing procedures of the Department of Commerce; or

“(C) if applicable, the prior studies and decisions are informed by other analysis or documentation that would have been prepared if the prior studies and decisions were prepared by the Secretary under NEPA.

“(f) DEFINITIONS.—In this section:

“(1) COVERED ACTIVITY.—The term ‘covered activity’ means any activity relating to the construction, expansion, or modernization of a facility, the investment in which is eligible for Federal financial assistance under section 9902 or 9906.

“(2) NEPA.—The term ‘NEPA’ means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have four requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, December 14, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, December 14, 2023, at 9 a.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, December 14, 2023, at 1 p.m., to conduct a hearing.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, December 14, 2023, at 9:30 a.m., to conduct a hearing.

MEASURE READ THE FIRST TIME—H.R. 1147

Mr. SCHUMER. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 1147) to amend the Richard B. Russell National School Lunch Act to allow schools that participate in the school lunch program under such Act to serve whole milk.

Mr. SCHUMER. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under

the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican Leader, pursuant to the provisions of Public Law 106-398, as amended by Public Law 108-7, and in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, the re-appointment of the following individuals to serve as members of the United States—China Economic and Security Review Commission: Honorable Randall Schriver of Virginia; and Aaron Friedberg of New Jersey.

REVISING EXISTING PROCEDURES ON REPORTING VIA TECHNOLOGY ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 85, S. 474.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 474) to amend title 18, United States Code, to strengthen reporting to the CyberTipline related to online sexual exploitation of children, to modernize liabilities for such reports, to preserve the contents of such reports for 1 year, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Revising Existing Procedures On Reporting via Technology Act” or the “REPORT Act”.

SEC. 2. LIMITED LIABILITY MODERNIZATION.

(a) AMENDMENTS.—Section 2258B of title 18, United States Code, is amended—

(1) in the section heading, by striking “**providers or domain name registrars**” and inserting “**the reporting, storage, and handling of certain visual depictions of apparent child pornography to the National Center for Missing & Exploited Children**”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “or charge” after “a claim”; and

(B) in paragraph (2)(C), by striking “this section.”; and

(3) by adding at the end the following:

“(d) LIMITED LIABILITY FOR NCMEC-CONTRACTED VENDORS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a civil claim or criminal charge may not be brought in any Federal or State court against a vendor contractually retained and designated by NCMEC to support the duties of NCMEC under section 404(b)(1)(K) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)).

“(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) shall not apply to a claim or charge if the vendor—

“(A) engaged in—

“(i) intentional misconduct; or

“(ii) negligent conduct; or