

AMENDMENT NO. _____ Calendar No. _____

Purpose: To combat the sexual exploitation of children by supporting victims and promoting accountability and transparency by the tech industry, to improve rights to relief for individuals affected by non-consensual activities involving intimate digital forgeries, and for other purposes.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 4784

To authorize appropriations for fiscal year 2027 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. GRASSLEY (for
himself and Mr. DURBIN)

Viz:

1 At the end of division A, add the following:

1 **TITLE XVII—CRIMINAL**
2 **PROVISIONS**
3 **Subtitle A—STOP CSAM Act of**
4 **2026**

5 **SEC. 1701. SHORT TITLE.**

6 This subtitle may be cited as the “Strengthening
7 Transparency and Obligations to Protect Children Suf-
8 fering from Abuse and Mistreatment Act of 2026” or the
9 “STOP CSAM Act of 2026”.

10 **SEC. 1702. PROTECTING CHILD VICTIMS AND WITNESSES IN**
11 **FEDERAL COURT.**

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

14 (1) in subsection (a)—

15 (A) in paragraph (2)(A), by striking “or
16 exploitation” and inserting “exploitation, or
17 kidnapping, including international parental
18 kidnapping”;

19 (B) in paragraph (3), by striking “physical
20 or mental injury” and inserting “physical in-
21 jury, psychological abuse”;

22 (C) by striking paragraphs (5), (6), and
23 (7) and inserting the following:

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

1 “(A) a pattern of acts, threats of acts, or
2 coercive tactics intended to degrade, humiliate,
3 intimidate, or terrorize a child; and

4 “(B) the infliction of trauma on a child
5 through—

6 “(i) isolation;

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

9 “(iii) physical restraint; or

10 “(iv) the confinement of the child
11 without the child’s consent and in degrad-
12 ing conditions;

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

14 “(A) child pornography;

15 “(B) child sex trafficking; or

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

17 “(7) the term ‘multidisciplinary child abuse
18 team’ means a professional unit of individuals work-
19 ing together to investigate child abuse and provide
20 assistance and support to a victim of child abuse,
21 composed of representatives from—

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

24 “(B) law enforcement agencies and pros-
25 ecutorial offices; and

1 “(C) children’s advocacy centers;”;

2 (D) in paragraph (9)(D)—

3 (i) by striking “genitals” and insert-
4 ing “anus, genitals,”; and

5 (ii) by striking “or animal”;

6 (E) in paragraph (11), by striking “and”

7 at the end;

8 (F) in paragraph (12)—

9 (i) by striking “the term ‘child abuse’
10 does not” and inserting “the terms ‘phys-
11 ical injury’ and ‘psychological abuse’ do
12 not”; and

13 (ii) by striking the period and insert-
14 ing a semicolon; and

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

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

18 “(A) is or is alleged to be—

19 “(i) a victim of a crime of physical
20 abuse, sexual abuse, exploitation, or kid-
21 napping, including international parental
22 kidnapping; or

23 “(ii) a witness to a crime committed
24 against another person; and

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

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

6 “(A) personally identifiable information of
7 the covered person, including—

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

9 “(ii) an address;

10 “(iii) a phone number;

11 “(iv) a user name or identifying infor-
12 mation for an online, social media, or
13 email account; and

14 “(v) any information that can be used
15 to distinguish or trace the identity of the
16 covered person, either alone or when com-
17 bined with other information that is linked
18 or linkable to the covered person;

19 “(B) medical, dental, behavioral, psy-
20 chiatric, or psychological information of the cov-
21 ered person;

22 “(C) educational or juvenile justice records
23 of the covered person; and

24 “(D) any other information concerning the
25 covered person that is deemed ‘protected infor-

1 mation’ by order of the court under subsection
2 (d)(5);

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

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

9 (2) in subsection (b)—

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

12 (B) in paragraph (2)—

13 (i) in the heading, by striking
14 “VIDEOTAPED” and inserting “RE-
15 CORDED”;

16 (ii) in subparagraph (A), by striking
17 “that the deposition be recorded and pre-
18 served on videotape” and inserting “that a
19 video recording of the deposition be made
20 and preserved”;

21 (iii) in subparagraph (B)—

22 (I) in clause (ii), by striking
23 “that the child’s deposition be taken
24 and preserved by videotape” and in-
25 serting “that a video recording of the

1 child's deposition be made and pre-
2 served”;

3 (II) in clause (iii)—

4 (aa) in the matter preceding
5 subclause (I), by striking “video-
6 tape” and inserting “recorded”;
7 and

8 (bb) in subclause (IV), by
9 striking “videotape” and insert-
10 ing “recording”; and

11 (III) in clause (v)—

12 (aa) in the heading, by
13 striking “VIDEOTAPE” and in-
14 serting “VIDEO RECORDING”;

15 (bb) in the first sentence, by
16 striking “made and preserved on
17 video tape” and inserting “re-
18 corded and preserved”; and

19 (cc) in the second sentence,
20 by striking “videotape” and in-
21 serting “video recording”;

22 (iv) in subparagraph (C), by striking
23 “child's videotaped” and inserting “video
24 recording of the child's”;

25 (v) in subparagraph (D)—

1 (I) by striking “videotaping” and
2 inserting “deposition”; and

3 (II) by striking “videotaped” and
4 inserting “recorded”;

5 (vi) in subparagraph (E), by striking
6 “videotaped” and inserting “recorded”;
7 and

8 (vii) in subparagraph (F), by striking
9 “videotape” each place the term appears
10 and inserting “video recording”;

11 (3) in subsection (d)—

12 (A) in paragraph (1)(A)—

13 (i) in clause (i), by striking “the name
14 or any other information concerning a
15 child” and inserting “a covered person’s
16 protected information”; and

17 (ii) in clause (ii)—

18 (I) by striking “documents de-
19 scribed in clause (i) or the informa-
20 tion in them that concerns a child”
21 and inserting “a covered person’s pro-
22 tected information”; and

23 (II) by striking “, have reason to
24 know such information” and inserting
25 “(including witnesses or potential wit-

1 nesses), have reason to know each
2 item of protected information to be
3 disclosed”;

4 (B) in paragraph (2)—

5 (i) by striking “the name of or any
6 other information concerning a child” each
7 place the term appears and inserting “a
8 covered person’s protected information”;

9 (ii) by redesignating subparagraphs
10 (A) and (B) as clauses (i) and (ii), respec-
11 tively, and adjusting the margins accord-
12 ingly;

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

15 “(A) IN GENERAL.—All papers”; and

16 (iv) by adding at the end the fol-
17 lowing:

18 “(B) ENFORCEMENT OF VIOLATIONS.—

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

23 (C) in paragraph (3)—

24 (i) in subparagraph (A)—

1 (I) by striking “a child from pub-
2 lic disclosure of the name of or any
3 other information concerning the
4 child” and inserting “a covered per-
5 son’s protected information from pub-
6 lic disclosure”; and

7 (II) by striking “, if the court de-
8 termines that there is a significant
9 possibility that such disclosure would
10 be detrimental to the child”;

11 (ii) in subparagraph (B)—

12 (I) in clause (i)—

13 (aa) by striking “a child wit-
14 ness, and the testimony of any
15 other witness” and inserting
16 “any witness”; and

17 (bb) by striking “the name
18 of or any other information con-
19 cerning a child” and inserting “a
20 covered person’s protected infor-
21 mation”; and

22 (II) in clause (ii), by striking
23 “child” and inserting “covered per-
24 son”; and

1 (iii) by adding at the end the fol-
2 lowing:

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

7 “(ii) The court shall deny a motion for a pro-
8 tective order under subparagraph (A) only if the
9 court finds that the party opposing the motion has
10 rebutted the presumption under clause (i) of this
11 subparagraph.”;

12 (D) in paragraph (4)—

13 (i) by striking “This subsection” and
14 inserting the following:

15 “(A) DISCLOSURE TO CERTAIN PARTIES.—
16 This subsection”;

17 (ii) in subparagraph (A), as so des-
18 ignated—

19 (I) by striking “the name of or
20 other information concerning a child”
21 and inserting “a covered person’s pro-
22 tected information”; and

23 (II) by striking “or an adult at-
24 tendant, or to” and inserting “an
25 adult attendant, a law enforcement

1 agency for any intelligence or inves-
2 tigative purpose, or”); and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) REQUEST FOR PUBLIC DISCLO-
6 SURE.—If any party requests public disclosure
7 of a covered person’s protected information to
8 further a public interest, the court shall deny
9 the request unless the court finds that—

10 “(i) the party seeking disclosure has
11 established that there is a compelling pub-
12 lic interest in publicly disclosing the cov-
13 ered person’s protected information;

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

18 “(iii) the substantial probability of
19 harm to the public interest outweighs the
20 harm to the covered person from public
21 disclosure of the covered person’s protected
22 information; and

23 “(iv) there is no alternative to public
24 disclosure of the covered person’s protected

1 information that would adequately protect
2 the public interest.”; and

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

4 “(5) OTHER PROTECTED INFORMATION.—The
5 court may order that information shall be considered
6 to be ‘protected information’ for purposes of this
7 subsection if the court finds that the information is
8 sufficiently personal, sensitive, or identifying that it
9 should be subject to the protections and presump-
10 tions under this subsection.”;

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

13 “(f) VICTIM IMPACT STATEMENT.—

14 “(1) PROBATION OFFICER.—In preparing the
15 presentence report pursuant to rule 32(c) of the
16 Federal Rules of Criminal Procedure, the probation
17 officer shall request information from the multidisci-
18 plinary child abuse team, if applicable, or other ap-
19 propriate sources to determine the impact of the of-
20 fense on a child victim and any other children who
21 may have been affected by the offense.

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

24 “(A) make every effort to obtain and re-
25 port information that accurately expresses the

1 views of a child victim, and the views of family
2 members as appropriate, concerning the impact
3 of the offense; and

4 “(B) use forms that permit a child victim
5 to express the child’s views concerning the per-
6 sonal consequences of the offense, at a level and
7 in a form of communication commensurate with
8 the child’s age and ability.”;

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

11 “(4) AUTHORIZATION OF APPROPRIATIONS.—

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

16 “(B) SUPERVISION OF PAYMENTS.—Pay-
17 ments from appropriations authorized under
18 subparagraph (A) shall be made under the su-
19 pervision of the Director of the Administrative
20 Office of the United States Courts.”;

21 (6) in subsection (i)—

22 (A) by striking “A child testifying at or at-
23 tending a judicial proceeding” and inserting the
24 following:

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

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

5 (i) in the third sentence, by striking
6 “proceeding” and inserting “testimony”;

7 and

8 (ii) by striking the fifth sentence; and

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

10 “(2) RECORDING.—If the adult attendant is in
11 close physical proximity to or in contact with the
12 child while the child testifies—

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

16 “(B) in a manner described in subsection
17 (b), the adult attendant shall be visible on the
18 closed-circuit television or in the recorded depo-
19 sition.

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

24 (7) in subsection (j)—

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

3 (B) in the fourth sentence—

4 (i) by striking “and the potential”
5 and inserting “, the potential”;

6 (ii) by striking “child’s” and inserting
7 “covered person’s”; and

8 (iii) by inserting before the period at
9 the end the following: “, and the necessity
10 of the continuance to protect the defend-
11 ant’s rights”;

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

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

18 (10) in subsection (m)—

19 (A) by striking “(as defined by section
20 2256 of this title)” each place it appears;

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

1 (C) in paragraph (1), by inserting “and
2 any civil action brought under section 2255 or
3 2255A” after “any criminal proceeding”;

4 (D) in paragraph (2), by adding at the end
5 the following:

6 “(C)(i) Notwithstanding rule 26 of the Federal
7 Rules of Civil Procedure, a court shall deny, in any
8 civil action brought under section 2255 or 2255A,
9 any request by any party to copy, photograph, dupli-
10 cate, or otherwise reproduce any property or mate-
11 rial that constitutes child pornography or an obscene
12 visual depiction of a child.

13 “(ii) In a civil action brought under section
14 2255 or 2255A, for purposes of paragraph (1), the
15 court may—

16 “(I) order the plaintiff or defendant to
17 provide to the court or the Government, as ap-
18 plicable, any equipment necessary to maintain
19 care, custody, and control of such property or
20 material; and

21 “(II) take reasonable measures, and may
22 order the Government (if such property or ma-
23 terial is in the care, custody, and control of the
24 Government) to take reasonable measures, to
25 provide each party to the action, the attorney of

1 each party, and any individual a party may seek
2 to qualify as an expert, with ample opportunity
3 to inspect, view, and examine such property or
4 material at the court or a Government facility,
5 as applicable.”; and

6 (E) in paragraph (3)—

7 (i) by inserting “and during the 1-
8 year period following the date on which the
9 criminal proceeding becomes final or is ter-
10 minated” after “any criminal proceeding”;

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

13 (iii) by inserting “or obscene visual
14 depiction of a child” after “such child por-
15 nography”.

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

19 **SEC. 1703. FACILITATING PAYMENT OF RESTITUTION;**
20 **TECHNICAL AMENDMENTS TO RESTITUTION**
21 **STATUTES.**

22 Title 18, United States Code, is amended—

23 (1) in section 1593(c)—

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

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

3 “(2) In”; and

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

8 (2) in section 2248(c)—

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

11 “(1) IN GENERAL.—For purposes”;

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

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

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

20 (3) in section 2259—

21 (A) by striking subsection (a) and insert-
22 ing the following:

23 “(a) IN GENERAL.—Notwithstanding section 3663 or
24 3663A, and in addition to any other civil or criminal pen-

1 alty authorized by law, the court shall order restitution
2 for any offense under—

3 “(1) section 1466A, to the extent the conduct
4 involves a visual depiction of an identifiable minor;
5 or

6 “(2) this chapter.”;

7 (B) in subsection (b)—

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

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

16 “(i) \$3,000; or

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

21 (C) in subsection (c)—

22 (i) by striking paragraph (1) and in-
23 sserting 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 in-
12 volves a visual depiction of an identifiable
13 minor—

14 “(i) produced by the defendant; or

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

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

21 “(D) a violation of section 2251A;

22 “(E) a violation of section 2252(a)(4) or
23 2252A(a)(5), or an attempt or conspiracy to
24 violate either of those sections under section

1 2252(b)(2) or 2252A(b)(2), to the extent such
2 conduct involves child pornography—

3 “(i) produced by the defendant; or

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

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

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

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

16 “(ii) of section 1591; or

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

19 “(H) a violation of subsection (a) of sec-
20 tion 2260, or an attempt or conspiracy to vio-
21 late that subsection under subsection (c)(1) of
22 that section;

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

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

3 “(ii) under section 2422(b); and

4 “(J) a violation of chapter 109A or chap-
5 ter 117, if the offense involves the production
6 or attempted production of, or conspiracy to
7 produce, child pornography.”;

8 (ii) by striking paragraph (3) and in-
9 serting the following:

10 “(3) TRAFFICKING IN CHILD PORNOGRAPHY.—

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

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

18 “(B) a violation of, attempted violation of,
19 or conspiracy to violate section 1466A(a) involv-
20 ing possession with intent to distribute, or sec-
21 tion 1466A(b), to the extent the conduct in-
22 volves a visual depiction of an identifiable
23 minor—

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

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

3 “(C) a violation of subsection (d) of section
4 2251 or an attempt or conspiracy to violate
5 that subsection under subsection (e) of that sec-
6 tion;

7 “(D) a violation of paragraph (1), (2), or
8 (3) of subsection (a) of section 2252, or an at-
9 tempt or conspiracy to violate any of those
10 paragraphs under subsection (b)(1) of that sec-
11 tion;

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

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

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

20 “(F) a violation of paragraph (1), (2), (3),
21 (4), or (6) of subsection (a) of section 2252A,
22 or an attempt or conspiracy to violate any of
23 those paragraphs under subsection (b)(1) of
24 that section;

1 “(G) a violation of subsection (a)(7) of sec-
2 tion 2252A, or an attempt or conspiracy to vio-
3 late that subsection under subsection (b)(3) of
4 that section, to the extent the conduct involves
5 distribution;

6 “(H) a violation of section 2252A(g) if the
7 series of felony violations exclusively involves
8 violations described in this paragraph (except
9 subparagraphs (A) and (B));

10 “(I) a violation of subsection (b) of section
11 2260, or an attempt or conspiracy to violate
12 that subsection under subsection (c)(2) of that
13 section; and

14 “(J) a violation of subsection (a)(1) of sec-
15 tion 2260B, or a violation of subsection (a)(2)
16 of that section for promoting or facilitating an
17 offense described in this paragraph (except sub-
18 paragraphs (A) and (B)).”; and

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

24 (4) in section 2259A(a)—

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

5 (B) in paragraph (2), by striking “any
6 other offense for trafficking in child pornog-
7 raphy” and inserting “any offense for traf-
8 ficking in child pornography other than an of-
9 fense described in subparagraph (B) or (E) of
10 section 2259(e)(3)”;
11 (5) in section 2429—

12 (A) in subsection (b)(3), by striking
13 “2259(b)(3)” and inserting “2259(e)(2)”; and

14 (B) in subsection (d)—

15 (i) by inserting “(1)” after “(d)”;

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

18 “(2) In”; and

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

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

25 “(q) TRUSTEE OR OTHER FIDUCIARY.—

1 “(1) IN GENERAL.—

2 “(A) APPOINTMENT OF TRUSTEE OR
3 OTHER FIDUCIARY.—When the court issues an
4 order of restitution under section 1593, 2248,
5 2259, 2429, or 3663, or subparagraphs (A)(i)
6 and (B) of section 3663A(c)(1), for a victim de-
7 scribed in subparagraph (B) of this paragraph,
8 the court, at its own discretion or upon motion
9 by the Government, may appoint a trustee or
10 other fiduciary to hold any amount paid for res-
11 titution in a trust or other official account for
12 the benefit of the victim.

13 “(B) COVERED VICTIMS.—A victim re-
14 ferred to in subparagraph (A) is a victim who
15 is—

16 “(i) under the age of 18 at the time
17 of the proceeding;

18 “(ii) incompetent or incapacitated; or

19 “(iii) subject to paragraph (3), a for-
20 eign citizen or stateless person residing
21 outside the United States.

22 “(2) ORDER.—When the court appoints a trust-
23 ee or other fiduciary under paragraph (1), the court
24 shall issue an order specifying—

1 “(A) the duties of the trustee or other fi-
2 duciary, which shall require—

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

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

8 “(I) to the victim; or

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

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

12 “(i) shall avoid any conflict of inter-
13 est;

14 “(ii) may not profit from the adminis-
15 tration of the trust or maintaining an offi-
16 cial account for the benefit of the victim
17 other than as specified in the order; and

18 “(iii) may not delegate administration
19 of the trust or maintaining the official ac-
20 count to any other person;

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

23 “(D) the fees payable to the trustee or
24 other fiduciary to cover expenses of admin-
25 istering the trust or maintaining the official ac-

1 count for the benefit of the victim, and the
2 schedule for payment of those fees.

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

11 “(A) protect the safety or security of the
12 victim; or

13 “(B) provide a reliable means for the vic-
14 tim to access or benefit from the restitution
15 payments.

16 “(4) PAYMENT OF FEES.—

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

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

21 or

22 “(ii) order the defendant to pay the
23 fees in whole or in part.

24 “(B) APPLICABILITY OF OTHER PROVI-
25 SIONS.—With respect to a court order under

1 subparagraph (A)(ii) requiring a defendant to
2 pay fees—

3 “(i) subsection (f)(3) shall apply to
4 the court order in the same manner as
5 that subsection applies to a restitution
6 order;

7 “(ii) subchapter C of chapter 227
8 (other than section 3571) shall apply to
9 the court order in the same manner as
10 that subchapter applies to a sentence of a
11 fine; and

12 “(iii) subchapter B of chapter 229
13 shall apply to the court order in the same
14 manner as that subchapter applies to the
15 implementation of a sentence of a fine.

16 “(C) EFFECT ON OTHER PENALTIES.—Im-
17 position of payment under subparagraph (A)(ii)
18 shall not relieve a defendant of, or entitle a de-
19 fendant to a reduction in the amount of, any
20 special assessment, restitution, other fines, pen-
21 alties, or costs, or other payments required
22 under the defendant’s sentence.

23 “(D) SCHEDULE.—Notwithstanding any
24 other provision of law, if the court orders the
25 defendant to make any payment under subpara-

1 graph (A)(ii), the court may provide a payment
2 schedule that is concurrent with the payment of
3 any other financial obligation described in sub-
4 paragraph (C).

5 “(5) 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 \$15,000,000 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 **SEC. 1704. CYBERTIPLINE IMPROVEMENTS, AND ACCOUNT-**
16 **ABILITY AND TRANSPARENCY BY THE TECH**
17 **INDUSTRY.**

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

20 (1) in section 2258A—

21 (A) by striking subsections (a), (b), and (c)
22 and inserting the following:

23 “(a) DUTY TO REPORT.—

24 “(1) DUTY.—In order to reduce the prolifera-
25 tion of online child sexual exploitation and to pre-

1 vent the online sexual exploitation of children, as
2 soon as reasonably possible after obtaining actual
3 knowledge of any facts or circumstances described in
4 paragraph (2) or any apparent child pornography on
5 the provider's service, and in any event not later
6 than 60 days after obtaining such knowledge, a pro-
7 vider shall submit to the CyberTipline of NCMEC,
8 or any successor to the CyberTipline operated by
9 NCMEC, a report that—

10 “(A) shall contain—

11 “(i) the mailing address, telephone
12 number, facsimile number, electronic mail-
13 ing address of, and individual point of con-
14 tact for, such provider; and

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

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

22 “(2) FACTS OR CIRCUMSTANCES.—The facts or
23 circumstances described in this paragraph are any
24 facts or circumstances indicating an apparent,
25 planned, or imminent violation of section 1591 (if

1 the violation involves a minor), 2251, 2251A, 2252,
2 2252A, 2252B, 2260, or 2422(b).

3 “(3) COMPLAINANT INFORMATION.—For a re-
4 port premised on a complaint or notification sub-
5 mitted to a provider by a user of the provider’s
6 product or service, or a parent, guardian, or rep-
7 resentative of such user, the provider shall take rea-
8 sonable measures to determine what information or
9 material in the user’s account shall be included in
10 the report as provided in subsection (b)(1)(A)(vi).

11 “(b) CONTENTS OF REPORT.—

12 “(1) IN GENERAL.—In an effort to prevent the
13 future sexual victimization of children, and to the
14 extent the information is within the custody or con-
15 trol of a provider, each report provided under sub-
16 section (a)(1)—

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

19 “(i) the name, address, electronic mail
20 address, user or account identification,
21 Internet Protocol address, port number,
22 and uniform resource locator of any indi-
23 vidual who is a subject of the report;

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

1 “(I) the apparent violation; or

2 “(II) the detection of apparent
3 child pornography or a planned or im-
4 minent violation;

5 “(iii) a copy of any apparent child
6 pornography that is the subject of the re-
7 port, or all accessible chats, messages, or
8 text exchanges that are related to the re-
9 port, that were identified in a publicly
10 available location;

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

15 “(I) the apparent child pornog-
16 raphy was publicly available; or

17 “(II) the provider, in its sole dis-
18 cretion, viewed the apparent child por-
19 nography, or any copy thereof, at any
20 point concurrent with or prior to the
21 submission of the report;

22 “(v) for each item of apparent child
23 pornography that is the subject of the re-
24 port, an indication as to whether the ap-
25 parent child pornography—

1 “(I) is created in whole or in part
2 through the use of software, machine
3 learning, artificial intelligence, or any
4 other computer-generated or techno-
5 logical means, including by adapting,
6 modifying, manipulating, or altering
7 an authentic visual depiction;

8 “(II) has previously been the
9 subject of a report under subsection
10 (a)(1); or

11 “(III) is the subject of multiple
12 contemporaneous reports due to rapid
13 and widespread distribution; and

14 “(vi) any and all information or mate-
15 rial (including apparent child pornography,
16 chats, messages, or text exchanges) relat-
17 ing to the subject of the report in the ac-
18 count of a user of the provider’s product or
19 service, if the user, or the parent, guard-
20 ian, or representative of such user—

21 “(I) provided the information or
22 material in a notification or complaint
23 to the provider;

1 “(II) indicates that such informa-
2 tion or material should be included in
3 the report; or

4 “(III) consents to the inclusion of
5 such information or material in the
6 report; and

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

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

12 “(A) INFORMATION ABOUT ANY INVOLVED
13 INDIVIDUAL.—Any information relating to the
14 identity or location of any individual who is a
15 subject of the report, including payment or fi-
16 nancial information (excluding personally iden-
17 tifiable information) and self-reported identi-
18 fying or locating information.

19 “(B) INFORMATION ABOUT ANY INVOLVED
20 MINOR.—Information relating to the identity or
21 location of any involved minor, which may in-
22 clude an address, electronic mail address, Inter-
23 net Protocol address, port number, uniform re-
24 source locator, payment or financial information
25 (excluding personally identifiable information),

1 or any other information that may identify or
2 locate any involved minor, including self-re-
3 ported identifying or locating information.

4 “(C) HISTORICAL REFERENCE.—Informa-
5 tion relating to when and how a customer or
6 subscriber of a provider uploaded, transmitted,
7 or received content relating to the report or
8 when and how content relating to the report
9 was reported to, or discovered by the provider,
10 including a date and time stamp and time zone.

11 “(D) GEOGRAPHIC LOCATION INFORMA-
12 TION.—Information relating to the geographic
13 location of the involved individual or website,
14 which may include the Internet Protocol ad-
15 dress, port number, or verified address, or, if
16 not reasonably available, at least one form of
17 geographic identifying information, including
18 area code or ZIP Code, provided by the cus-
19 tomer or subscriber, or stored or obtained by
20 the provider.

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

1 “(F) COMPLETE COMMUNICATION.—The
2 complete communication containing any appar-
3 ent child pornography or other content, includ-
4 ing—

5 “(i) any data or information regard-
6 ing the transmission of the communication;
7 and

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

11 “(G) TECHNICAL IDENTIFIER.—An indus-
12 try-standard hash value or other similar indus-
13 try-standard technical identifier for any re-
14 ported visual depiction as it existed on the pro-
15 vider’s service.

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

19 “(i) the depicted sexually explicit con-
20 duct involves—

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

23 “(II) bestiality;

24 “(III) masturbation;

1 “(IV) sadistic or masochistic
2 abuse; or

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

6 “(ii) the depicted minor is—

7 “(I) an infant or toddler;

8 “(II) prepubescent;

9 “(III) pubescent;

10 “(IV) post-pubescent; or

11 “(V) of an indeterminate age or
12 developmental stage.

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

16 “(3) FORMATTING OF REPORTS.—When a pro-
17 vider includes any information described in para-
18 graph (1) or, at its sole discretion, any information
19 described in paragraph (2) in a report to the
20 CyberTipline of NCMEC, or any successor to the
21 CyberTipline operated by NCMEC, the provider
22 shall use best efforts to ensure that the report con-
23 forms with the structure of the CyberTipline or the
24 successor, as applicable.

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

3 “(1) IN GENERAL.—Pursuant to its clearing-
4 house role as a private, nonprofit organization, and
5 at the conclusion of its review in furtherance of its
6 nonprofit mission, NCMEC shall make available
7 each report submitted under subsection (a)(1) to one
8 or more of the following law enforcement agencies:

9 “(A) Any Federal law enforcement agency
10 that is involved in the investigation of child sex-
11 ual exploitation, kidnapping, or enticement
12 crimes.

13 “(B) Any State or local law enforcement
14 agency that is involved in the investigation of
15 child sexual exploitation.

16 “(C) A foreign law enforcement agency
17 designated by the Attorney General under sub-
18 section (d)(3) or a foreign law enforcement
19 agency that has an established relationship with
20 the Federal Bureau of Investigation, Immigra-
21 tion and Customs Enforcement, or
22 INTERPOL, and is involved in the investiga-
23 tion of child sexual exploitation, kidnapping, or
24 enticement crimes.

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

5 “(A) NCMEC may compare that hash
6 value or identifier with any database or reposi-
7 tory of visual depictions owned or operated by
8 NCMEC; and

9 “(B) if the comparison under subpara-
10 graph (A) results in a match, NCMEC may in-
11 clude the matching visual depiction from its
12 database or repository when forwarding the re-
13 port to an agency described in subparagraph
14 (A) or (B) of paragraph (1).”;

15 (B) in subsection (d)—

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

19 (ii) in paragraph (3)—

20 (I) in subparagraph (A), by strik-
21 ing “subsection (c)(3)” and inserting
22 “subsection (c)(1)(C)”; and

23 (II) in subparagraph (C), by
24 striking “subsection (c)(3)” and in-
25 serting “subsection (c)(1)(C)”; and

1 (iii) in paragraph (5)(B)—

2 (I) in clause (i), by striking “for-
3 forwarded” and inserting “made avail-
4 able”; and

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

8 (C) by striking subsection (e) and inserting
9 the following:

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

11 “(1) CRIMINAL PENALTY.—

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

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

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

19 “(B) PENALTY.—

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

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

24 “(aa) \$850,000 if the pro-
25 vider has not fewer than

1 100,000,000 monthly active
2 users; or

3 “(bb) \$600,000 if the pro-
4 vider has fewer than 100,000,000
5 monthly active users; and

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

8 “(aa) \$1,000,000 if the pro-
9 vider has not fewer than
10 100,000,000 monthly active
11 users; or

12 “(bb) \$850,000 if the pro-
13 vider has fewer than 100,000,000
14 monthly active users.

15 “(ii) HARM TO INDIVIDUALS.—The
16 maximum fine under clause (i) shall be
17 doubled if an individual is harmed as a di-
18 rect and proximate result of the applicable
19 violation.

20 “(2) CIVIL PENALTY.—

21 “(A) VIOLATIONS RELATING TO
22 CYBERTIPLINE REPORTS AND MATERIAL PRES-
23 ERVATION.—A provider shall be liable to the
24 United States Government for a civil penalty in
25 an amount of not less than \$50,000 and not

1 more than \$250,000 if the provider know-
2 ingly—

3 “(i) fails to submit a report under
4 subsection (a)(1) within the time period re-
5 quired by that subsection;

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

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

10 “(I) contains materially false or
11 fraudulent information; or

12 “(II) omits information described
13 in subsection (b)(1)(A) that is reason-
14 ably available.

15 “(B) ANNUAL REPORT VIOLATIONS.—A
16 provider shall be liable to the United States
17 Government for a civil penalty in an amount of
18 not less than \$100,000 and not more than
19 \$1,000,000 if the provider knowingly—

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

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

1 “(I) contains a materially false,
2 fraudulent, or misleading statement;
3 or

4 “(II) omits information described
5 in subsection (i)(1) that is reasonably
6 available.

7 “(C) HARM TO INDIVIDUALS.—The
8 amount of a civil penalty under subparagraph
9 (A) or (B) shall be tripled if an individual is
10 harmed as a direct and proximate result of the
11 applicable violation.

12 “(D) COSTS OF CIVIL ACTIONS.—A pro-
13 vider that commits a violation described in sub-
14 paragraph (A) or (B) shall be liable to the
15 United States Government for the costs of a
16 civil action brought to recover a civil penalty
17 under that subparagraph.

18 “(E) ENFORCEMENT.—This paragraph
19 shall be enforced in accordance with sections
20 3731, 3732, and 3733 of title 31, except that
21 a civil action to recover a civil penalty under
22 subparagraph (A) or (B) of this paragraph may
23 only be brought by the United States Govern-
24 ment.

1 “(3) DEPOSIT OF FINES AND PENALTIES.—
2 Notwithstanding any other provision of law, any
3 criminal fine or civil penalty collected under this
4 subsection shall be deposited into the Child Pornog-
5 raphy Victims Reserve as provided in section
6 2259B.”;

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

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

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

12 “(B) information described in subsection
13 (b)(2); or

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

15 (E) in subsection (g)—

16 (i) in paragraph (2)(A)—

17 (I) in clause (iii), by inserting
18 “or personnel at a children’s advocacy
19 center” after “State”;

20 (II) in clause (iv), by striking
21 “State or subdivision of a State” and
22 inserting “State, subdivision of a
23 State, or children’s advocacy center”;
24 and

1 (ii) in paragraph (3), in the matter
2 preceding subparagraph (A), by striking
3 “subsection (a)” and inserting “subsection
4 (a)(1)”;

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

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

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

12 “(i) ANNUAL REPORT.—

13 “(1) IN GENERAL.—Not later than March 31 of
14 the second year beginning after the date of enact-
15 ment of the STOP CSAM Act of 2026, and of each
16 year thereafter, a provider that had more than
17 1,000,000 unique monthly visitors or users during
18 each month of the preceding year and accrued rev-
19 enue of more than \$50,000,000 during the preceding
20 year shall submit to the Attorney General and the
21 Chair of the Federal Trade Commission a report,
22 disaggregated by subsidiary, that provides the fol-
23 lowing information for the preceding year to the ex-
24 tent such information is applicable and reasonably
25 available:

1 “(A) CYBERTIPLINE DATA.—

2 “(i) The total number of reports that
3 the provider submitted under subsection
4 (a)(1).

5 “(ii) Which items of information de-
6 scribed in subsection (b)(2) are routinely
7 included in the reports submitted by the
8 provider under subsection (a)(1).

9 “(B) OTHER REPORTING TO THE PRO-
10 VIDER.—

11 “(i) The measures the provider has in
12 place to receive other reports concerning
13 child sexual exploitation and abuse using
14 the provider’s product or on the provider’s
15 service.

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

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

20 “(iv) A summary description of the
21 actions taken upon receipt of the reports
22 described in clause (i).

23 “(C) POLICIES.—

24 “(i) A description of the policies of
25 the provider with respect to the commis-

1 sion of child sexual exploitation and abuse
2 using the provider’s product or on the pro-
3 vider’s service, including how child sexual
4 exploitation and abuse is defined.

5 “(ii) A description of possible user
6 consequences for violations of the policies
7 described in clause (i).

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

10 “(iv) The process for adjudicating po-
11 tential violations of the policies described
12 in clause (i).

13 “(D) CULTURE OF SAFETY.—

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

16 “(I) protect children from sexual
17 exploitation and abuse using the pro-
18 vider’s product or service;

19 “(II) prevent or interdict activity
20 by children related to sexual exploi-
21 tation and abuse, including the post-
22 ing or sharing of intimate visual de-
23 pictions; and

24 “(III) accurately identify adult
25 and minor users.

1 “(ii) The measures, tools, and tech-
2 nologies that the provider deploys to em-
3 power parents and guardians to protect
4 their children from sexual exploitation and
5 abuse using the provider’s product or serv-
6 ice.

7 “(iii) The measures, tools, and tech-
8 nologies that the provider deploys to pre-
9 vent the use of the provider’s product or
10 service by individuals seeking to commit
11 child sexual exploitation and abuse.

12 “(iv) With respect to the measures,
13 tools, and technologies described in clauses
14 (i), (ii), and (iii)—

15 “(I) an assessment of their effi-
16 cacy, including any relevant quan-
17 titative information indicating when
18 and how often they are used; and

19 “(II) information on any factors
20 that limit their efficacy or create gaps
21 in their protection and efforts by the
22 provider to address those loopholes or
23 gaps.

24 “(v) A description of factors that
25 interfere with the provider’s ability to de-

1 tect or evaluate instances of child sexual
2 exploitation and abuse and an analysis of
3 the impact of those factors.

4 “(vi) Information shared by the pro-
5 vider with users about the risks to children
6 on the provider’s product or service con-
7 cerning sexual exploitation and abuse and
8 an assessment of the impact of the infor-
9 mation on users, including any relevant
10 quantitative information indicating how
11 often the information is reviewed.

12 “(vii) A description of efforts under-
13 taken by the provider, to the extent appro-
14 priate, to allow for independent verification
15 of the information provided pursuant to
16 this subparagraph and of the efficacy of
17 the measures, tools, and technologies de-
18 scribed in clauses (i), (ii), and (iii), includ-
19 ing through the facilitation of independent
20 research.

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

24 “(i) to assess—

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

4 “(II) whether and how individ-
5 uals could use the new product or
6 service to commit child sexual exploi-
7 tation and abuse; and

8 “(ii) to determine—

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

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

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

16 “(i) the prevalence of child sexual ex-
17 ploitation and abuse on the provider’s
18 product or service, including the volume of
19 child pornography that is available and
20 that is being accessed, distributed, or re-
21 ceived; and

22 “(ii) emerging trends, risks, and
23 changing patterns with respect to the com-
24 mission of online child sexual exploitation
25 and abuse.

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

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

13 “(3) LIMITATION.—Nothing in paragraph (1)
14 shall require the disclosure of trade secrets or other
15 proprietary information.

16 “(4) PUBLICATION.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), the Attorney General and the Chair
19 of the Federal Trade Commission shall publish
20 the reports received under this subsection.

21 “(B) REDACTION.—

22 “(i) IN GENERAL.—Whether or not
23 such redaction is requested by the pro-
24 vider, the Attorney General and Chair of
25 the Federal Trade Commission shall redact

1 from a report published under subpara-
2 graph (A) any information as necessary to
3 avoid—

4 “(I) undermining the efficacy of
5 a safety measure described in the re-
6 port; or

7 “(II) revealing how a product or
8 service of a provider may be used to
9 commit online child sexual exploi-
10 tation and abuse.

11 “(ii) ADDITIONAL REDACTION.—

12 “(I) REQUEST.—In addition to
13 information redacted under clause (i),
14 a provider may request the redaction,
15 from a report published under sub-
16 paragraph (A), of any information
17 that is law enforcement sensitive or
18 otherwise not suitable for public dis-
19 tribution.

20 “(II) AGENCY DISCRETION.—The
21 Attorney General and Chair of the
22 Federal Trade Commission—

23 “(aa) shall consider a re-
24 quest made under subclause (I);
25 and

1 “(bb) may, in their discre-
2 tion, redact from a report pub-
3 lished under subparagraph (A)
4 any information pursuant to the
5 request.”;

6 (2) in section 2258B—

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

9 “(a) IN GENERAL.—

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

14 “(2) COVERED CLAIMS AND CHARGES.—A civil
15 claim or criminal charge referred to in paragraph
16 (1) is a civil claim or criminal charge against a pro-
17 vider or domain name registrar, including any direc-
18 tor, officer, employee, or agent of such provider or
19 domain name registrar, that is directly attributable
20 to—

21 “(A) the performance of the reporting or
22 preservation responsibilities of such provider or
23 domain name registrar under this section, sec-
24 tion 2258A, or section 2258C;

1 “(B) transmitting, distributing, or mailing
2 child pornography to any Federal, State, or
3 local law enforcement agency, or giving such
4 agency access to child pornography, in response
5 to a search warrant, court order, or other legal
6 process issued or obtained by such agency; or

7 “(C) the use by the provider or domain
8 name registrar of any material being preserved
9 under section 2258A(h) by such provider or
10 registrar for research and the development and
11 training of tools, undertaken voluntarily and in
12 good faith for the sole and exclusive purpose
13 of—

14 “(i) improving or facilitating reporting
15 under this section, section 2258A, or sec-
16 tion 2258C; or

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

19 (B) in subsection (b)—

20 (i) in paragraph (1), by striking “;
21 or” and inserting “or knowingly failed to
22 comply with a requirement under section
23 2258A;”;

24 (ii) in paragraph (2)(C)—

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

3 (II) by striking the period and
4 inserting “; or”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(3) for purposes of subsection (a)(2)(C),
8 knowingly distributed or transmitted the material, or
9 made the material available, except as required by
10 law, to—

11 “(A) any other entity;

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

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

17 (3) in section 2258C—

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

21 (B) in subsection (a)—

22 (i) in the subsection heading, by strik-
23 ing “ELEMENTS” and inserting “INFOR-
24 MATION SHARING WITH PROVIDERS AND
25 ENTITIES FOR THE PURPOSES OF PRE-

1 VENTING AND CURTAILING THE ONLINE
2 SEXUAL EXPLOITATION OF CHILDREN”;

3 (ii) in paragraph (1)—

4 (I) by striking “to a provider”
5 and inserting the following: “or sub-
6 mission to the Child Victim Identifica-
7 tion Program to—

8 “(A) a provider”;

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

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

14 (bb) by striking the period
15 at the end and inserting “; or”;
16 and

17 (III) by adding at the end the
18 following:

19 “(B) an entity for the sole and exclusive
20 purpose of preventing and curtailing the online
21 sexual exploitation of children.”; and

22 (iii) in paragraph (2)—

23 (I) in the heading, by striking
24 “INCLUSIONS” and inserting “ELE-
25 MENTS”;

1 (II) by striking “unique identi-
2 fiers” and inserting “similar technical
3 identifiers”;

4 (III) by inserting “or content,
5 elements, or reported materials,” after
6 “visual depiction,”;

7 (IV) by inserting a comma after
8 “location”;

9 (V) by striking “and any other
10 elements”; and

11 (VI) by inserting “or submission
12 to the Child Victim Identification Pro-
13 gram” after “CyberTipline report”;

14 (C) in subsection (b)—

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

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

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

20 (iii) in paragraph (1), as so des-
21 ignated—

22 (I) by striking “receives” and in-
23 serting “obtains”; and

24 (II) by inserting “or submission
25 to the Child Victim Identification Pro-

1 gram” after “CyberTipline report”;

2 and

3 (iv) by adding at the end the fol-

4 lowing:

5 “(2) LIMITATION ON SHARING WITH OTHER EN-

6 TITIES.—A provider or entity that obtains elements

7 under subsection (a)(1) may not distribute those ele-

8 ments, or make those elements available, to any

9 other entity, except for the sole and exclusive pur-

10 pose of curtailing, preventing, or stopping the online

11 sexual exploitation of children.”;

12 (D) in subsection (c)—

13 (i) by striking “subsections” and in-

14 serting “subsection”;

15 (ii) by striking “providers receiving”

16 and inserting “a provider or entity to ob-

17 tain”;

18 (iii) by inserting “or submission to the

19 Child Victim Identification Program” after

20 “CyberTipline report”; and

21 (iv) by striking “to use the elements

22 to stop the online sexual exploitation of

23 children”; and

1 (E) in subsection (d), by inserting “or to
2 the Child Victim Identification Program” after
3 “CyberTipline”;

4 (4) in section 2258E—

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

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

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

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

13 “(9) the term ‘publicly available’, with respect
14 to a visual depiction on a provider’s service, means
15 the visual depiction can be viewed by or is accessible
16 to all users of the service, regardless of the steps, if
17 any, a user must take to create an account or to
18 gain access to the service in order to access or view
19 the visual depiction; and

20 “(10) the term ‘Child Victim Identification Pro-
21 gram’ means the program described in section
22 404(b)(1)(K)(ii) of the Juvenile Justice and Delin-
23 quency Prevention Act of 1974 (34 U.S.C.
24 11293(b)(1)(K)(ii)).”;

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

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

5 **“§ 2260B. Liability for certain child sexual exploi-**
6 **tation offenses**

7 “(a) OFFENSE.—It shall be unlawful for a provider
8 of an interactive computer service, as that term is defined
9 in section 230 of the Communications Act of 1934 (47
10 U.S.C. 230), that operates through the use of any facility
11 or means of interstate or foreign commerce or in or affect-
12 ing interstate or foreign commerce, through such service
13 to—

14 “(1) intentionally host or store child pornog-
15 raphy or make child pornography available to any
16 person; or

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

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

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

23 “(2) if the offense involves a conscious or reck-
24 less risk of serious personal injury or an individual

1 is harmed as a direct and proximate result of the
2 violation, 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
6 necessary to comply with a valid court order, subpoena,
7 search warrant, statutory obligation, or preservation re-
8 quest from law enforcement.”.

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

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

12 (c) **EFFECTIVE DATE FOR AMENDMENTS TO RE-**
13 **PORTING REQUIREMENTS OF PROVIDERS.**—The amend-
14 ments made by subsection (a)(1) of this section shall take
15 effect on the date that is 120 days after the date of enact-
16 ment of this Act.

17 **SEC. 1705. EXPANDING CIVIL REMEDIES FOR VICTIMS OF**
18 **ONLINE 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.**—Sec-
23 tion 2255(a) of title 18, United States Code, is amended—

24 (1) by striking “**IN GENERAL.**—Any person
25 who, while a minor, was a victim of a violation of

1 section 1589, 1590, 1591, 2241(c), 2242, 2243,
2 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or
3 2423 of this title and who suffers personal injury as
4 a result of such violation, regardless of whether the
5 injury occurred while such person was a minor, may
6 sue” and inserting the following: “PRIVATE RIGHT
7 OF ACTION.—

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

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

15 “(2) ELIGIBLE PERSONS.—Paragraph (1) shall
16 apply to any person—

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

18 “(i) a violation of section 1589, 1590,
19 1591, 2241, 2242, 2243, 2251, 2251A,
20 2260(a), 2421, 2422, or 2423;

21 “(ii) an attempt to violate section
22 1589, 1590, or 1591 under section
23 1594(a);

24 “(iii) a conspiracy to violate section
25 1589 or 1590 under section 1594(b); or

1 “(iv) a conspiracy to violate section
2 1591 under section 1594(c);

3 “(B) who—

4 “(i) is depicted as a minor in child
5 pornography; and

6 “(ii) is a victim of a violation of 2252,
7 2252A, or 2260(b) (regardless of when the
8 violation occurs); or

9 “(C) who—

10 “(i) is depicted as an identifiable
11 minor in a visual depiction described in
12 section 1466A; and

13 “(ii) is a victim of a violation of that
14 section (regardless of when the violation
15 occurs).”.

16 (c) CIVIL REMEDY AGAINST ONLINE PLATFORMS
17 AND APP STORES.—

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

21 **“§ 2255A. Additional remedy for certain victims of**
22 **child pornography or child sexual exploi-**
23 **tation**

24 “(a) IN GENERAL.—

1 “(1) PROMOTION OR AIDING AND ABETTING OF
2 CERTAIN VIOLATIONS.—Any person who is a victim
3 of the intentional, knowing, or reckless promotion, or
4 aiding and abetting, of a violation of section 1591 or
5 1594(e) (involving a minor), or section 2251, 2251A,
6 2252, 2252A, or 2422(b), where such promotion, or
7 aiding and abetting, is by a provider of an inter-
8 active computer service or an app store, and who
9 suffers personal injury as a result of such promotion
10 or aiding and abetting, regardless of when the injury
11 occurred, may bring a civil action in any appropriate
12 United States District Court for relief set forth in
13 subsection (b).

14 “(2) ACTIVITIES INVOLVING CHILD PORNOG-
15 RAPHY.—Any person who is a victim of the inten-
16 tional, knowing, or reckless hosting or storing of
17 child pornography or making child pornography
18 available to any person by a provider of an inter-
19 active computer service, and who suffers personal in-
20 jury as a result of such hosting, storing, or making
21 available, regardless of when the injury occurred,
22 may bring a civil action in any appropriate United
23 States District Court for relief set forth in sub-
24 section (b).

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

3 “(1) the person shall recover the actual dam-
4 ages the person sustains or liquidated damages in
5 the amount of \$300,000, and the cost of the action,
6 including reasonable attorney fees and other litiga-
7 tion costs reasonably incurred; and

8 “(2) the court may, in addition to any other re-
9 lief available at law, award punitive damages and
10 such other preliminary and equitable relief as the
11 court determines to be appropriate, including a tem-
12 porary restraining order, a preliminary injunction, or
13 a permanent injunction ordering the defendant to
14 cease the offending conduct.

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

18 “(d) VENUE; SERVICE OF PROCESS.—

19 “(1) VENUE.—Any action brought under sub-
20 section (a) may be brought in the district court of
21 the United States that meets applicable require-
22 ments relating to venue under section 1391 of title
23 28.

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

4 “(A) is an inhabitant; or

5 “(B) may be found.

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

11 “(f) RULES OF CONSTRUCTION.—

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

18 “(2) APPLICATION OF SECTION 2258B.—A civil
19 action brought under subsection (a) shall be subject
20 to section 2258B.

21 “(g) ENCRYPTION TECHNOLOGIES.—

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

1 “(ii) are not subject to exclusion
2 under rule 403 or any other rule of the
3 Federal Rules of Evidence.

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

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

14 “(1) the provider disabled access to or removed
15 the child pornography within a reasonable time-
16 frame, and in any event not later than 48 hours
17 after obtaining knowledge that the child pornog-
18 raphy was being hosted, stored, or made available by
19 the provider (or, in the case of a provider that, for
20 the most recent calendar year, averaged fewer than
21 10,000,000 active users on a monthly basis in the
22 United States, within a reasonable timeframe, and
23 in any event not later than 2 business days after ob-
24 taining such knowledge);

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

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

9 “(i) SANCTIONS FOR REPEATED BAD FAITH CIVIL
10 ACTIONS OR DEFENSES.—

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

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

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

21 “(ii) the alleged child pornography did
22 not depict—

23 “(I) any minor; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 “(5) RULES OF CONSTRUCTION.—

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

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

20 “(j) DEFINITIONS.—In this section:

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

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

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

8 “(B) operates—

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

11 or

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

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

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

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

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

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

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

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

8 **SEC. 1706. SEVERABILITY.**

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

16 **SEC. 1707. CONTINUED APPLICABILITY OF FEDERAL,**
17 **STATE, AND TRIBAL LAW.**

18 (a) FEDERAL LAW.—Nothing in this subtitle or the
19 amendments made by this subtitle, nor any rule or regula-
20 tion issued pursuant to this subtitle or the amendments
21 made by this subtitle, shall affect or diminish any right
22 or remedy for a victim of child pornography or child sexual
23 exploitation under any other Federal law, rule, or regula-
24 tion, including any claim under section 2255 of title 18,

1 United States Code, with respect to any individual or enti-
2 ty.

3 (b) STATE OR TRIBAL LAW.—Nothing in this subtitle
4 or the amendments made by this subtitle, nor any rule
5 or regulation issued pursuant to this subtitle or the
6 amendments made by this subtitle, 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 subtitle and the amendments made by this subtitle.

15 **Subtitle B—DEFIANCE Act of 2026**

16 **SEC. 1711. SHORT TITLE.**

17 This subtitle may be cited as the “Disrupt Explicit
18 Forged Images And Non-Consensual Edits Act of 2026”
19 or the “DEFIANCE Act of 2026”.

20 **SEC. 1712. FINDINGS.**

21 Congress finds the following:

22 (1) Digital forgeries, often called deepfakes, are
23 synthetic images and videos that look realistic. The
24 technology to create digital forgeries is now ubiq-
25 uitous and easy to use. Hundreds of apps are avail-

1 able that can quickly generate digital forgeries with-
2 out the need for any technical expertise.

3 (2) Digital forgeries can be wholly fictitious but
4 can also manipulate images of real people to depict
5 sexually intimate conduct that did not occur. For ex-
6 ample, some digital forgeries will paste the face of
7 an individual onto the body of a real or fictitious in-
8 dividual who is nude or who is engaging in sexual
9 activity. Another example is a photograph of an indi-
10 vidual that is manipulated to digitally remove the
11 clothing of the individual so that the person appears
12 to be nude.

13 (3) The individuals depicted in such digital for-
14 geries are profoundly harmed when the content is
15 produced with intent to disclose, disclosed, or ob-
16 tained without the consent of those individuals.
17 These harms are not mitigated through labels or
18 other information that indicates that the depiction is
19 fake.

20 (4) It can be destabilizing to victims whenever
21 those victims are depicted in intimate digital for-
22 geries against their will, as the privacy of those vic-
23 tims is violated and the victims lose control over
24 their likeness and identity.

1 (5) Victims can feel helpless because the vic-
2 tims—

3 (A) may not be able to determine who has
4 created the content; and

5 (B) do not know how to prevent further
6 disclosure of the intimate digital forgery or how
7 to prevent more forgeries from being made.

8 (6) Victims may be fearful of being in public
9 out of concern that individuals the victims encounter
10 have seen the digital forgeries. This leads to social
11 rupture through the loss of the ability to trust, stig-
12 matization, and isolation.

13 (7) Victims of non-consensual, sexually intimate
14 digital forgeries may experience depression, anxiety,
15 and suicidal ideation. These victims may also experi-
16 ence the “silencing effect” in which the victims with-
17 draw from online spaces and public discourse to
18 avoid further abuse.

19 (8) Digital forgeries are often used to—

20 (A) harass victims, interfering with their
21 employment, education, reputation, or sense of
22 safety; or

23 (B) commit extortion, sexual assault, do-
24 mestic violence, and other crimes.

1 ual depiction or intimate digital forgery and who is
2 identifiable by virtue of the individual’s face, like-
3 ness, or other distinguishing characteristic, such as
4 a unique birthmark or other recognizable feature, or
5 from information displayed in connection with the
6 intimate visual depiction or intimate digital forgery.

7 “(5) INTIMATE DIGITAL FORGERY.—

8 “(A) IN GENERAL.—The term ‘intimate
9 digital forgery’ means any intimate visual depic-
10 tion of an identifiable individual that—

11 “(i) falsely represents, in whole or in
12 part—

13 “(I) the identifiable individual; or

14 “(II) the conduct or content that
15 makes the visual depiction intimate;

16 “(ii) is created through the use of
17 software, machine learning, artificial intel-
18 ligence, or any other computer-generated
19 or technological means, including by adapt-
20 ing, modifying, manipulating, or altering
21 an authentic visual depiction; and

22 “(iii) is indistinguishable from an au-
23 thentic visual depiction of the identifiable
24 individual when viewed as a whole by a
25 reasonable person.

1 (b) CIVIL ACTION.—Section 1309(b) of the Consoli-
2 dated Appropriations Act, 2022 (15 U.S.C. 6851(b)) is
3 amended—

4 (1) in paragraph (1)—

5 (A) by striking subparagraph (A) and in-
6 serting the following:

7 “(A) IN GENERAL.—Except as provided in
8 paragraph (5)—

9 “(i) an identifiable individual whose
10 intimate visual depiction is disclosed, in or
11 affecting interstate or foreign commerce or
12 using any means or facility of interstate or
13 foreign commerce, without the consent of
14 the identifiable individual, where such dis-
15 closure was made by a person who knows
16 or recklessly disregards that the identifi-
17 able individual has not consented to such
18 disclosure, may bring a civil action against
19 that person in an appropriate district court
20 of the United States for relief as set forth
21 in paragraph (3);

22 “(ii) an identifiable individual who is
23 the subject of an intimate digital forgery
24 may bring a civil action in an appropriate
25 district court of the United States for re-

1 lief as set forth in paragraph (3) against
2 any person that knowingly produced or
3 possessed the intimate digital forgery with
4 intent to disclose it, knowingly disclosed
5 the intimate digital forgery, or knowingly
6 solicited and received the intimate digital
7 forgery, if—

8 “(I) the identifiable individual
9 did not consent to such production or
10 possession with intent to disclose, dis-
11 closure, or solicitation and receipt;

12 “(II) the person knew or reck-
13 lessly disregarded that the identifiable
14 individual did not consent to such pro-
15 duction or possession with intent to
16 disclose, disclosure, or solicitation and
17 receipt; and

18 “(III) such production or posses-
19 sion with intent to disclose, disclosure,
20 or solicitation and receipt, is in or af-
21 fects interstate or foreign commerce
22 or uses any means or facility of inter-
23 state or foreign commerce; and

24 “(iii) an identifiable individual who is
25 the subject of an intimate digital forgery

1 may bring a civil action in an appropriate
2 district court of the United States for re-
3 lief as set forth in paragraph (3) against
4 any person that knowingly produced the
5 intimate digital forgery if—

6 “(I) the identifiable individual
7 did not consent to such production;

8 “(II) the person knew or reck-
9 lessly disregarded that the identifiable
10 individual—

11 “(aa) did not consent to
12 such production; and

13 “(bb) was harmed, or was
14 reasonably likely to be harmed,
15 by the production; and

16 “(III) such production is in or
17 affects interstate or foreign commerce
18 or uses any means or facility of inter-
19 state or foreign commerce.”; and

20 (B) in subparagraph (B)—

21 (i) in the subparagraph heading, by
22 inserting “IDENTIFIABLE” before “INDI-
23 VIDUALS”; and

24 (ii) by striking “an individual who is
25 under 18 years of age, incompetent, inca-

1 pacitated, or deceased, the legal guardian
2 of the individual” and inserting “an identi-
3 fiable individual who is under 18 years of
4 age, incompetent, incapacitated, or de-
5 ceased, the legal guardian of the identifi-
6 able individual”;

7 (2) in paragraph (2)—

8 (A) in subparagraph (A)—

9 (i) by inserting “identifiable” before
10 “individual”;

11 (ii) by striking “depiction” and insert-
12 ing “intimate visual depiction or intimate
13 digital forgery”; and

14 (iii) by striking “distribution” and in-
15 serting “disclosure, solicitation, or posses-
16 sion”; and

17 (B) in subparagraph (B)—

18 (i) by inserting “identifiable” before
19 “individual”;

20 (ii) by inserting “or intimate digital
21 forgery” after “depiction” each place it ap-
22 pears; and

23 (iii) by inserting “, solicitation, or
24 possession” after “disclosure”;

1 (3) by redesignating paragraph (4) as para-
2 graph (5);

3 (4) by striking paragraph (3) and inserting the
4 following:

5 “(3) RELIEF.—

6 “(A) IN GENERAL.—In a civil action filed
7 under this section, an identifiable individual
8 may recover—

9 “(i) damages as provided under sub-
10 paragraph (C); and

11 “(ii) the cost of the action, including
12 reasonable attorney fees and other litiga-
13 tion costs reasonably incurred.

14 “(B) PUNITIVE DAMAGES AND OTHER RE-
15 LIEF.—The court may, in addition to any other
16 relief available at law, award punitive damages
17 or order equitable relief, including a temporary
18 restraining order, a preliminary injunction, or a
19 permanent injunction ordering the defendant to
20 delete, destroy, or cease to display or disclose
21 the intimate visual depiction or intimate digital
22 forgery.

23 “(C) DAMAGES.—For purposes of subpara-
24 graph (A)(i), the identifiable individual may re-
25 cover—

1 “(i) liquidated damages in the amount
2 of—

3 “(I) \$150,000; or

4 “(II) \$250,000 if the conduct at
5 issue in the claim was—

6 “(aa) committed in relation
7 to actual or attempted sexual as-
8 sault, stalking, or harassment of
9 the identifiable individual by the
10 defendant; or

11 “(bb) the direct and proxi-
12 mate cause of actual or at-
13 tempted sexual assault, stalking,
14 or harassment of the identifiable
15 individual by any person; or

16 “(ii) actual damages sustained by the
17 individual, which shall include any profits
18 of the defendant that are attributable to
19 the conduct at issue in the claim that are
20 not otherwise taken into account in com-
21 puting the actual damages.

22 “(D) CALCULATION OF DEFENDANT’S
23 PROFIT.—For purposes of subparagraph (C)(ii),
24 to establish the defendant’s profits, the identifi-
25 able individual shall be required to present

1 proof only of the gross revenue of the defend-
2 ant, and the defendant shall be required to
3 prove the deductible expenses of the defendant
4 and the elements of profit attributable to fac-
5 tors other than the conduct at issue in the
6 claim.

7 “(4) PRESERVATION OF PRIVACY.—In a civil
8 action filed under this section, the court may issue
9 an order to protect the privacy of a plaintiff, includ-
10 ing by—

11 “(A) permitting the plaintiff to use a pseu-
12 donym;

13 “(B) requiring the parties to redact the
14 personal identifying information of the plaintiff
15 from any public filing, or to file such documents
16 under seal; and

17 “(C) issuing a protective order for pur-
18 poses of discovery, which may include an order
19 indicating that any intimate visual depiction or
20 intimate digital forgery shall remain in the
21 care, custody, and control of the court.”;

22 (5) in paragraph (5)(A), as so redesignated—

23 (A) by striking “image” and inserting “vis-
24 ual depiction or intimate digital forgery”; and

1 (B) by striking “depicted” and inserting
2 “identifiable”; and

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

4 “(6) STATUTE OF LIMITATIONS.—Any action
5 commenced under this section shall be barred unless
6 the complaint is filed not later than 10 years from
7 the later of—

8 “(A) the date on which the identifiable in-
9 dividual reasonably discovers the violation that
10 forms the basis for the claim; or

11 “(B) the date on which the identifiable in-
12 dividual reaches 18 years of age.

13 “(7) DUPLICATIVE RECOVERY BARRED.—No re-
14 lief may be ordered under paragraph (3) against a
15 person who is subject to a judgment under section
16 2255 of title 18, United States Code, for the same
17 conduct involving the same identifiable individual
18 and the same intimate visual depiction or intimate
19 digital forgery.”.

20 (c) CONTINUED APPLICABILITY OF FEDERAL,
21 STATE, AND TRIBAL LAW.—

22 (1) IN GENERAL.—This subtitle shall not be
23 construed to impair, supersede, or limit a provision
24 of Federal, State, or Tribal law.

1 (2) NO PREEMPTION.—Nothing in this subtitle
2 shall prohibit a State or Tribal government from
3 adopting and enforcing a provision of law governing
4 disclosure of intimate images or nonconsensual activ-
5 ity involving an intimate digital forgery, as defined
6 in section 1309(a) of the Consolidated Appropria-
7 tions Act, 2022 (15 U.S.C. 6851(a)), as amended by
8 this subtitle, that is at least as protective of the
9 rights of a victim as this subtitle.

10 **SEC. 1714. SEVERABILITY; RULE OF CONSTRUCTION.**

11 (a) SEVERABILITY.—If any provision of this subtitle,
12 an amendment made by this subtitle, or the application
13 of such a provision or amendment to any person or cir-
14 cumstance, is held to be unconstitutional, the remaining
15 provisions of and amendments made by this subtitle, and
16 the application of the provision or amendment held to be
17 unconstitutional to any other person or circumstance, shall
18 not be affected thereby.

19 (b) RULE OF CONSTRUCTION.—Nothing in this sub-
20 title, or an amendment made by this subtitle, shall be con-
21 strued to limit or expand any law pertaining to intellectual
22 property.