

118TH CONGRESS  
1ST SESSION

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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.

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IN THE SENATE OF THE UNITED STATES

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Mrs. BLACKBURN (for herself and Mr. OSSOFF) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Revising Existing Pro-  
5 cedures on Reporting via Technology Act” or the “RE-  
6 PORT Act”.

1 **SEC. 2. LIMITED LIABILITY MODERNIZATION.**

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

4 (1) in the section heading, by striking “**pro-**  
5 **viders or domain name registrars**” and in-  
6 sserting “**the reporting, storage, and han-**  
7 **dling of certain visual depictions of ap-**  
8 **parent child pornography to the National**  
9 **Center for Missing and Exploited Chil-**  
10 **dren**”;

11 (2) in subsection (b)—

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

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

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

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

19 “(1) IN GENERAL.—Except as provided in para-  
20 graph (2), a civil claim or criminal charge may not  
21 be brought in any Federal or State court against a  
22 vendor contractually retained and designated by  
23 NCMEC to support the clearinghouse role of  
24 NCMEC, as set forth in section 404(b) of the Juve-  
25 nile Justice and Delinquency Prevention Act of 1974  
26 (34 U.S.C. 11293(b)).

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

4                   “(A) engaged in—

5                           “(i) intentional misconduct;

6                           “(ii) negligent conduct; or

7                           “(iii) conduct not authorized under  
8                   the contract of the vendor with NCMEC to  
9                   support the clearinghouse role of NCMEC,  
10                  as set forth in section 404(b) of the Juve-  
11                  nile Justice and Delinquency Prevention  
12                  Act of 1974 (34 U.S.C. 11293(b)); or

13                   “(B) acted, or failed to act—

14                           “(i) with actual malice;

15                           “(ii) with reckless disregard to a sub-  
16                   stantial risk of causing physical injury  
17                   without legal justification; or

18                           “(iii) for a purpose unrelated to the  
19                   performance of any responsibility or func-  
20                   tion—

21                           “(I) set forth in paragraph (1);

22                           or

23                           “(II) under sections 2258A,  
24                   2258C, 2702, or 2703.

1           “(3) MINIMIZING ACCESS BY VENDOR.—With  
2           respect to any visual depiction of child pornography  
3           stored or transferred by a vendor contractually re-  
4           tained and designated by NCMEC to support the  
5           clearing house role of NCMEC, as set forth in sec-  
6           tion 404(b) of the Juvenile Justice and Delinquency  
7           Prevention Act of 1974 (34 U.S.C. 11293(b)), a  
8           vendor shall minimize the number of employees that  
9           may be able to obtain access to such visual depic-  
10          tion.

11          “(e) LIMITED LIABILITY FOR MINORS, AND PERSONS  
12          ACTING ON BEHALF OF A MINOR, REPORTING VISUAL  
13          DEPICTIONS OF APPARENT CHILD PORNOGRAPHY IN  
14          WHICH THE MINOR IS DEPICTED.—

15                 “(1) IN GENERAL.—Except as provided in para-  
16                 graph (2), a civil claim or criminal charge may not  
17                 be brought in any Federal or State court against a  
18                 minor, or a person acting on behalf of a minor, aris-  
19                 ing from a report to the CyberTipline of NCMEC by  
20                 the minor or the person acting on behalf of a minor  
21                 of information that relates to a visual depiction of  
22                 apparent child pornography in which the minor is  
23                 depicted, including a copy of the visual depiction of  
24                 the minor.

1           “(2) INTENTIONAL, RECKLESS, OR OTHER MIS-  
2           CONDUCT.—Paragraph (1) shall not apply to a claim  
3           or charge if the minor, or person acting on behalf  
4           of the minor—

5                   “(A) engaged in—

6                           “(i) intentional misconduct in submit-  
7                           ting the report to the CyberTipline of  
8                           NCMEC of information that relates to a  
9                           visual depiction of apparent child pornog-  
10                          raphy in which the minor is depicted, in-  
11                          cluding a copy of the visual depiction of  
12                          the minor; or

13                           “(ii) negligent conduct; or

14                          “(B) acted, or failed to act—

15                           “(i) with actual malice; or

16                           “(ii) with reckless disregard to a sub-  
17                          stantial risk of causing physical injury  
18                          without legal justification.

19           “(3) MINIMIZING ACCESS.—With respect to any  
20           visual depiction of child pornography reported to the  
21           CyberTipline of NCMEC by a minor, or a person  
22           acting on behalf of a minor, in which the minor is  
23           depicted, NCMEC shall minimize access to the vis-  
24           ual depiction and ensure the appropriate deletion of  
25           the visual depiction, as set forth in section 2258D.”.

1 (b) APPLICABILITY.—The amendment made by sub-  
2 section (a) shall apply with respect to a civil claim or  
3 criminal charge that is filed on or after the date of enact-  
4 ment of this Act.

5 (c) TABLE OF SECTIONS AMENDMENT.—The table of  
6 sections for chapter 110 of title 18, United States Code,  
7 is amended by striking the item relating to section 2258B  
8 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 and Exploited Children.”.

9 **SEC. 3. PRESERVATION OF REPORTS TO CYBERTIPLINE RE-**  
10 **LATED TO ONLINE SEXUAL EXPLOITATION OF**  
11 **CHILDREN.**

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

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

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

17 “(5) EXTENSION OF PRESERVATION.—A pro-  
18 vider of a report to the CyberTipline under sub-  
19 section (a)(1) may voluntarily preserve the contents  
20 provided in the report (including any comingled con-  
21 tent described in paragraph (2)) for longer than 1  
22 year after the submission to the CyberTipline for the  
23 purpose of reducing the proliferation of online child

1 sexual exploitation or preventing the online sexual  
2 exploitation of children.

3 “(6) METHOD OF PRESERVATION.—Not later  
4 than 1 year after the date of enactment of this para-  
5 graph, a provider of a report to the CyberTipline  
6 under subsection (a)(1) shall preserve materials  
7 under this subsection in a manner that is consistent  
8 with the most recent version of the Cybersecurity  
9 Framework developed by the National Institute of  
10 Standards and Technology, or any successor there-  
11 to.”.

12 **SEC. 4. STRENGTHENING OF DUTY TO REPORT APPARENT**  
13 **VIOLATIONS TO CYBERTIPLINE RELATED TO**  
14 **ONLINE EXPLOITATION OF CHILDREN.**

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

17 (1) in subsection (a)—

18 (A) in paragraph (1)(A)—

19 (i) in the matter preceding clause (i),  
20 by inserting “shall” after “provider”;

21 (ii) in clause (i), by striking “shall,”;

22 and

23 (iii) in clause (ii), by striking “may,”;

24 and

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

5 (A) in paragraph (1), by striking  
6 “\$150,000” and inserting “\$850,000 in the  
7 case of a provider with not less than  
8 100,000,000 monthly active users or \$600,000  
9 in the case of a provider with less than  
10 100,000,000 monthly active users”; and

11 (B) in paragraph (2), by striking  
12 “\$300,000” and inserting “\$1,000,000 in the  
13 case of a provider with not less than  
14 100,000,000 monthly active users or \$850,000  
15 in the case of a provider with less than  
16 100,000,000 monthly active users”.

17 (b) GUIDANCE.—Not later than 180 days after the  
18 date of enactment of this Act, the National Center for  
19 Missing & Exploited Children shall issue guidance to pro-  
20 viders required to take actions described in section  
21 2258A(a)(1)(B) of title 18, United States Code, on the  
22 facts or circumstances that constitute an apparent viola-  
23 tion of section 1591 of that title and of section 2422(b)  
24 of that title.