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

IN THE SENATE OF THE UNITED STATES

Mr. Wyden (for himself, Mrs. Gillibrand, Mr. Casey, and Mr. Brown) introduced the following bill; which was read twice and referred to the Committee on ________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Invest in Child Safety Act”.

SEC. 2. DEFINITIONS.

In this Act:

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

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

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

(i) the prevention, treatment of victims, investigation, or prosecution of child sexual exploitation; or

(ii) other activities relating to addressing child sexual exploitation; or

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

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

(4) ENFORCEMENT AND PROTECTION STRATEGY.—The term “enforcement and protection strategy” means the enforcement and protection strategy required under section 3(c)(4).

(5) EXECUTIVE AGENCY.—The term “Executive agency” has the meaning given that term in section 105 of title 5, United States Code.
(6) **Fund.**—The term “Fund” means the Child Sexual Exploitation Treatment, Support, and Prevention Fund established under section 4(c)(1).

(7) **High-level representative.**—The term “high-level representative” means an individual who is—

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

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

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

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

(9) **Office.**—The term “Office” means the Office to Enforce and Protect Against Child Sexual Exploitation established under section 3(a).
SEC. 3. OFFICE TO ENFORCE AND PROTECT AGAINST CHILD SEXUAL EXPLOITATION.

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

(b) DIRECTOR.—

(1) APPOINTMENT.—The Office shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) TERM.—

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

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

(3) QUALIFICATIONS.—The individual appointed as the Director shall have—

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

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

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

(4) COORDINATION OF ACTIVITIES.—The Director shall coordinate the activities of the Office with the Attorney General, the Director of the Federal
Bureau of Investigation, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Secretary of Education, the Chairman of the Interagency Task Force to Monitor and Combat Trafficking in Persons established under section 105 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103), and the President of the National Center for Missing and Exploited Children.

(c) DUTIES.—The Director shall—

(1) coordinate the activities of covered programs and agencies;

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

(A) information sharing and providing technical assistance; and

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

(3) not less than 3 times per year, convene a meeting of high-level representatives of the Department of Justice, the Federal Bureau of Investigation, the Department of Defense, the Department of Health and Human Services, the Department of Homeland Security, the Department of Education,
the Interagency Task Force to Monitor and Combat Trafficking in Persons established under section 105
of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103), and the National Center for Missing and Exploited Children, to ensure success of the enforcement and protection strategy;

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

(A) the prevention, investigation, or prosecution of child sexual exploitation by Executive agencies;

(B) the treatment of and services provided to victims of child sexual exploitation by Executive agencies; and

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

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

(6) not later than 180 days after the date on which each Director is first appointed to the position of Director, submit to Congress a spending plan,
which shall be developed in consultation with the head of covered programs and agencies and the Director of the Office of Management and Budget;

(7) with respect to each fiscal year, for not less than a period of 30 days before the start of such fiscal year, seek public comment on the funding priorities of the Office and covered programs and agencies for such fiscal year, including funding transfers and grants to be made from the Fund during such fiscal year;

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

(A) detailing the work of the Office and each covered program or agency during the previous fiscal year and evaluating the efficacy of the use of funds by the Office and covered programs and agencies during the previous fiscal year, which shall include, with respect to such previous fiscal year—

(i) the number and nature of reports to the CyberTipline of the National Center for Missing and Exploited Children, or any successor to such CyberTipline operated by the National Center for Missing and Exploited Children;
(ii) the number and nature of investigations conducted relating to child sexual exploitation;

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

(iv) the number and nature of ongoing prosecutions of offenses involving child sexual exploitation;

(v) the number of prosecutions of offenses involving child sexual exploitation by judicial district;

(vi) the number of convictions of offenses involving child sexual exploitation;

(vii) the number of convictions of offenses involving child sexual exploitation by judicial district;

(viii) the number of referrals of offenses involving child sexual exploitation to non-Federal entities, including foreign law enforcement agencies, broken down by jurisdiction and entity;

(ix) a summary of all transfers and grants made from the Fund; and
(x) a summary of any unobligated funds from transfers and grants made for a previous fiscal year from the Fund; and
(B) discussing the funding priorities of the Office and covered programs and agencies for the current fiscal year, which shall include—
(i) an outline of planned funding transfers and grants to be made from the Fund during the current fiscal year; and
(ii) a summary of public comments on such funding priorities received under paragraph (7); and
(9) not later than May 1 of each year, appear before the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives to discuss the enforcement and protection strategy, including any updates.
(d) NOTICE OF CHANGES BY COVERED PROGRAMS AND AGENCIES.—
(1) IN GENERAL.—The head of each covered program or agency shall notify the Director in writing of any proposed policy change relating to—
(A) the prevention, investigation, or prosecution of child sexual exploitation;
(B) the treatment of victims of child sexual exploitation; or

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

(2) RESPONSE.—The Director shall respond promptly to any notice under paragraph (1), which shall include the determination of the Director regarding whether the proposed policy change is consistent with the enforcement and protection strategy.

SEC. 4. INCREASED FUNDING, TREATMENT, AND SUPPORT FOR VICTIMS OF CHILD SEXUAL EXPLOITATION AND PROGRAMS AND SERVICES TO PREVENT CHILD SEXUAL EXPLOITATION.

(a) Programs.—

(1) IN GENERAL.—For each of fiscal years 2021 through 2030, the Director shall make the following transfers from the Fund:

(A) UNITED STATES ATTORNEYS OFFICES.—To the Department of Justice, $100,000,000 for child sexual exploitation prosecutions by offices of the United States attorney.

(B) CHILD EXPLOITATION AND OBSCENITY SECTION.—To the Department of Justice, such sums as are necessary to ensure that there are
not fewer than 120 prosecutors and agents employed in the Child Exploitation and Obscenity Section of the Criminal Division.

(C) FEDERAL BUREAU OF INVESTIGATION.—To the Federal Bureau of Investigation, such sums as are necessary to ensure that the total number of case agents and investigators employed in the Innocent Images National Initiative, the Crimes Against Children Unit, Child Abduction Rapid Deployment Teams, and the Child Exploitation and Human Trafficking Task Forces of the Federal Bureau of Investigation is not less than 100 more than the total number of such case agents and investigators on the date of enactment of this Act.

(D) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—To the Department of Justice, $15,000,000 for a grant by the Office of Juvenile Justice and Delinquency Prevention to the National Center for Missing and Exploited Children to—

(i) ensure that the total number of analysts, engineers, and other employees at the National Center for Missing and Exploited Children supporting, evaluating,
and processing child sexual abuse material
tips from technology companies is not less
than 65 more than the number of such ana-
lysts, engineers, and other employees on
the date of enactment of this Act; and

(ii) upgrade and maintain technology
infrastructure and methods.

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

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

(G) CHILDREN’S ADVOCACY PROGRAMS.—
To the agency head designated under section
201(b) of the Juvenile Justice and Delinquency
Prevention Act of 1974 (34 U.S.C. 11111(b)),
$27,000,000 for grants to local children’s advoc-
cacy centers under section 214 of the Victims

(H) STREET OUTREACH PROGRAM.—To
the Department of Health and Human Services,
$16,000,000 for the Street Outreach Program of the Family and Youth Services Bureau.

(b) Grants and Transfers to Agencies, Programs, and Services.—

(1) In general.—Using amounts in the Fund, the Director may make grants and transfer funds to Executive agencies for treatment and support for victims of child sexual exploitation and evidence-based programs and services to prevent child sexual exploitation.

(2) Included services and programs.—In carrying out paragraph (1), the Director may—

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

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

(C) make grants to non-Federal entities or transfer funds to Executive agencies to provide training to mental health services providers, including school-based mental health services providers to detect cases of child sexual exploi-
tation and to treat victims of child sexual explo-

(D) transfer funds to the Internet Crimes
Against Children Task Force program, the Vic-
tim Identification program, and the Child Ex-
plotation Investigations Unit of U.S. Immigration
and Customs Enforcement;

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

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

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

(H) transfer funds to the agency head des-
ignated under section 201(b) of the Juvenile
Justice and Delinquency Prevention Act of
1974 (34 U.S.C. 11111(b)) for grants to local
children’s advocacy centers under section 214 of
(I) transfer funds to the Innocent Images National Initiative, the Crimes Against Children Unit, the Child Abduction Rapid Deployment Teams, and the Child Exploitation and Human Trafficking Task Forces of the Federal Bureau of Investigation;

(J) transfer funds to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice;

(K) make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, sexual exploitation, severe forms of trafficking in persons (as defined in section 103(11) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(11))), or sex trafficking (as defined in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)));

(L) make grants to the National Criminal Justice Training Center; and
(M) make grants or transfer funds to any other covered program or agency for programs or activities directed at addressing child sexual exploitation.

(c) FUNDING.—

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

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

(3) USE OF FUNDS.—

(A) IN GENERAL.—The Director may use amounts in the Fund, without further appropriation, to carry out this section.

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

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

(i) in subparagraph (A), by striking “September 30, 2029” and inserting “August 4, 2030”; and

(ii) in subparagraph (B)(i), by striking “September 30, 2029” and inserting “August 4, 2030”.

(B) RATE FOR MERCHANDISE PROCESSING FEES.—Section 503 of the United States–Korea Free Trade Agreement Implementation Act (Public Law 112–41; 19 U.S.C. 3805 note) is amended in the matter preceding paragraph (1) by striking “September 30, 2029” and inserting “August 4, 2030”.

SEC. 5. EVALUATION OF PREVENTION PROGRAMS.

The Director, in coordination with the Director of the National Institute of Justice, shall enter into an agreement with the Deputy Assistant Secretary for Planning, Research, and Evaluation of the Department of Health and Human Services under which the Deputy Assistant Secretary shall conduct a study and, not later than 6 years
1 after the date of enactment of this Act, publicly issue a
2 report—
3    (1) identifying risk factors that may make cer-
4    tain individuals more vulnerable to child sexual ex-
5    ploration;
6    (2) identifying the programs with the greatest
7    potential for preventing child sexual exploitation;
8    and
9    (3) evaluating promising programs being devel-
10   oped in the field of child sexual exploitation preven-
11   tion.
12
13 **SEC. 6. GAO STUDY.**
14
15 The Comptroller General of the United States, in
16 consultation with the Director, shall study and publicly
17 issue a report documenting all Federal funding (including
18 grants to States, local governments, Indian Tribes, non-
19 profit entities, and other entities) for the prevention, de-
20 tection, enforcement, and treatment of child sexual exploi-
21 tation, which shall separately report on activities relating
22 to child sexual abuse material.
23
24 **SEC. 7. MODERNIZING THE CYBERTIPLINE.**
25
26 Chapter 110 of title 18, United States Code, is
27 amended—
28    (1) in section 2258A—
29    (A) in subsection (a)—
(i) in paragraph (1)(B)(ii), by inserting after “facts or circumstances” the following: “, including any available facts or circumstances sufficient to identify and locate each involved individual,”; and

(ii) in paragraph (2)(A)—

(I) by inserting “1591 (if the violation involves a minor),” before “2251,”; and

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

(B) in subsection (b)—

(i) in paragraph (1)—

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

(II) by striking “other identifying information,” and inserting “other information which may identify or locate the involved individual,”; and

(ii) by adding at the end the following:

“(6) FORMATTING OF REPORTS.—When in its discretion a provider voluntarily includes any content described in this subsection in a report to the CyberTipline, the provider shall use best efforts to
ensure that the report conforms with the structure
of the CyberTipline.”;

(C) in subsection (d)(5)(B)—

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

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

(D) in subsection (h)—

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

(ii) by adding at the end the following:

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

“(6) METHOD OF PRESERVATION.—A provider
of a report to the CyberTipline shall preserve mate-
rial under this subsection in a manner that complies
with the cybersecurity standards for the protection
of data under the cybersecurity framework estab-
lished by the National Institute of Standards and
Technology.”; and

(2) in section 2258C—

(A) in the section heading, by striking

“the CyberTipline” and inserting

“NCMEC”;

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by striking “NCMEC” and

inserting the following:

“(A) Provision to Providers.—

NCMEC”;

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

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

(ii) in paragraph (2)—

(I) by inserting “(A)” after “(1)”;

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

(III) by adding at the end the following: “The elements authorized
under paragraph (1)(B) shall be limited to hash values or similar technical identifiers associated with visual depictions provided in a CyberTipline report or submission to the child victim identification program described in section 404(b)(1)(K)(ii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11293(b)(1)(K)(ii)).''; and

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

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