

117TH CONGRESS
1ST SESSION

H. R. 807

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2021

Ms. ESHOO (for herself, Ms. JACKSON LEE, and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) CHILD SEXUAL EXPLOITATION.—The term
2 “child sexual exploitation” has the meaning given
3 the term “child exploitation” in section 2 of the
4 PROTECT Our Children Act of 2008 (34 U.S.C.
5 21101).

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

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

10 (i) the prevention, treatment of vic-
11 tims, investigation, or prosecution of child
12 sexual exploitation; or

13 (ii) other activities relating to ad-
14 dressing child sexual exploitation; or

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

17 (3) DIRECTOR.—The term “Director” means
18 the Director of the Office appointed under section
19 3(b)(1).

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

1 (5) EXECUTIVE AGENCY.—The term “Executive
2 agency” has the meaning given that term in section
3 105 of title 5, United States Code.

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

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

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

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

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

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

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

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

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

6 (b) **DIRECTOR.**—

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

11 (2) **TERM.**—

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

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

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

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

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

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

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

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

10 (c) DUTIES.—The Director shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (a) PROGRAMS.—For each of fiscal years 2021
15 through 2030, the Director shall make the following trans-
16 fers from the Fund:

17 (1) UNITED STATES ATTORNEYS OFFICES.—To
18 the Department of Justice, \$100,000,000 for child
19 sexual exploitation prosecutions by offices of the
20 United States attorney.

21 (2) CHILD EXPLOITATION AND OBSCENITY SEC-
22 TION.—To the Department of Justice, such sums as
23 are necessary to ensure that there are not fewer
24 than 120 prosecutors and agents employed in the

1 Child Exploitation and Obscenity Section of the
2 Criminal Division.

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

14 (4) NATIONAL CENTER FOR MISSING AND EX-
15 PLOITED CHILDREN.—To the Department of Jus-
16 tice, \$15,000,000 for a grant by the Office of Juve-
17 nile Justice and Delinquency Prevention to the Na-
18 tional Center for Missing and Exploited Children
19 to—

20 (A) ensure that the total number of ana-
21 lysts, engineers, and other employees at the Na-
22 tional Center for Missing and Exploited Chil-
23 dren supporting, evaluating, and processing
24 child sexual abuse material tips from technology
25 companies is not less than 65 more than the

1 number of such analysts, engineers, and other
2 employees on the date of enactment of this Act;
3 and

4 (B) upgrade and maintain technology in-
5 frastructure and methods.

6 (5) INTERNET CRIMES AGAINST CHILDREN
7 TASK FORCES.—To the Department of Justice,
8 \$60,000,000 for grants to States for activities relat-
9 ing to Internet Crimes Against Children Task
10 Forces.

11 (6) NATIONAL CRIMINAL JUSTICE TRAINING
12 CENTER.—To the Department of Justice,
13 \$5,000,000 for a grant to the National Criminal
14 Justice Training Center.

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

22 (8) STREET OUTREACH PROGRAM.—To the De-
23 partment of Health and Human Services,
24 \$16,000,000 for the Street Outreach Program of the
25 Family and Youth Services Bureau.

1 (b) GRANTS AND TRANSFERS TO AGENCIES, PRO-
2 GRAMS, AND SERVICES.—

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

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

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

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

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

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

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

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

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

18 (H) transfer funds to the agency head des-
19 ignated under section 201(b) of the Juvenile
20 Justice and Delinquency Prevention Act of
21 1974 (34 U.S.C. 11111(b)) for grants to local
22 children's advocacy centers under section 214 of
23 the Victims of Child Abuse Act of 1990 (34
24 U.S.C. 20304);

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

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

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

22 (L) make grants to the National Criminal
23 Justice Training Center; and

24 (M) make grants or transfer funds to any
25 other covered program or agency for programs

1 or activities directed at addressing child sexual
2 exploitation.

3 (c) FUNDING.—

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

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

13 (3) USE OF FUNDS.—

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

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

22 (4) CUSTOMS USER FEES.—

23 (A) IN GENERAL.—Section 13031(j)(3) of
24 the Consolidated Omnibus Budget Reconcili-

1 ation Act of 1985 (19 U.S.C. 58c(j)(3)) is
2 amended—

3 (i) in subparagraph (A), by striking
4 “September 30, 2029” and inserting “Au-
5 gust 4, 2030”; and

6 (ii) in subparagraph (B)(i), by strik-
7 ing “September 30, 2029” and inserting
8 “August 4, 2030”.

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

16 **SEC. 5. EVALUATION OF PREVENTION PROGRAMS.**

17 The Director, in coordination with the Director of the
18 National Institute of Justice, shall enter into an agree-
19 ment with the Deputy Assistant Secretary for Planning,
20 Research, and Evaluation of the Department of Health
21 and Human Services under which the Deputy Assistant
22 Secretary shall conduct a study and, not later than 6 years
23 after the date of enactment of this Act, publicly issue a
24 report—

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

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

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

10 **SEC. 6. GAO STUDY.**

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

19 **SEC. 7. MODERNIZING THE CYBERTIPLINE.**

20 Chapter 110 of title 18, United States Code, is
21 amended—

22 (1) in section 2258A—

23 (A) in subsection (a)—

24 (i) in paragraph (1)(B)(ii), by insert-
25 ing after “facts or circumstances” the fol-

lowing: “, including any available facts or
circumstances sufficient to identify and lo-
cate each involved individual,”; and

(ii) in paragraph (2)(A)—

(I) by inserting “1591 (if the vio-
lation 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 in-
formation which may identify or lo-
cate the involved individual,”; and

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

“(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.”;

1 (C) in subsection (d)(5)(B)—

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

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

8 (D) in subsection (h)—

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

11 (ii) by adding at the end the fol-
12 lowing:

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

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

TIES.—NCMEC may provide hash values or

1 similar technical identifiers associated with vis-
2 ual depictions provided in a CyberTipline report
3 or submission to the child victim identification
4 program described in section 404(b)(1)(K)(ii)
5 of the Juvenile Justice and Delinquency Pre-
6 vention Act of 1974 (34 U.S.C.
7 11293(b)(1)(K)(ii)) to a non-profit entity for
8 the sole and exclusive purpose of preventing
9 and curtailing the online sexual exploitation of
10 children.”; and

11 (ii) in paragraph (2)—

12 (I) by inserting “(A)” after
13 “(1)”;

14 (II) by inserting “or submission
15 to the child victim identification pro-
16 gram described in section
17 404(b)(1)(K)(ii) of the Juvenile Jus-
18 tice and Delinquency Prevention Act
19 of 1974 (34 U.S.C.
20 11293(b)(1)(K)(ii))” after
21 “CyberTipline report”; and

22 (III) by adding at the end the
23 following: “The elements authorized
24 under paragraph (1)(B) shall be lim-
25 ited to hash values or similar tech-

1 nical identifiers associated with visual
2 depictions provided in a CyberTipline
3 report or submission to the child vic-
4 tim identification program described
5 in section 404(b)(1)(K)(ii) of the Ju-
6 venile Justice and Delinquency Pre-
7 vention Act of 1974 (34 U.S.C.
8 11293(b)(1)(K)(ii)).”; and
9 (C) in subsection (d), by inserting “or to
10 the child victim identification program de-
11 scribed in section 404(b)(1)(K)(ii) of the Juve-
12 nile Justice and Delinquency Prevention Act of
13 1974 (34 U.S.C. 11293(b)(1)(K)(ii))” after
14 “CyberTipline”.

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