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118TH CONGRESS
1ST SESSION

S. 1170

To reauthorize and update the Project Safe Childhood program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2023

Mr. CORNYN (for himself, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. BLUMENTHAL, Mrs. BLACKBURN, Mr. MURPHY, Mr. GRAHAM, Mr. OSSOFF, Mr. TILLIS, Mr. WELCH, Mr. HAWLEY, Mrs. FEINSTEIN, Mr. DURBIN, Mr. COONS, Mr. CRUZ, Mr. KENNEDY, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 15, 2023

Reported by Mr. DURBIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To reauthorize and update the Project Safe Childhood program, 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 “Project Safe Childhood
5 Act”.

1 **SEC. 2. PROJECT SAFE CHILDHOOD MODERNIZATION.**

2 Section 143 of the Adam Walsh Child Protection and
3 Safety Act of 2006 (34 U.S.C. 20942) is amended to read
4 as follows:

5 **“SEC. 143. PROJECT SAFE CHILDHOOD.**

6 **“(a) DEFINITIONS.—**In this section:

7 **“(1) CHILD SEXUAL ABUSE MATERIAL.—**The
8 term ‘child sexual abuse material’ has the meaning
9 given the term ‘child pornography’ in section 2256
10 of title 18, United States Code.

11 **“(2) CHILD SEXUAL EXPLOITATION OF-**
12 **FENSE.—**The term ‘child sexual exploitation offense’
13 means—

14 **“(A)(i)** an offense involving a minor under
15 section 1591 or chapter 117 of title 18, United
16 States Code;

17 **“(ii)** an offense under subsection (a), (b),
18 or (c) of section 2251 of title 18, United States
19 Code;

20 **“(iii)** an offense under section 2251A or
21 2252A(g) of title 18, United States Code; or

22 **“(iv)** any attempt or conspiracy to commit
23 an offense described in clause (i) or (ii); or

24 **“(B)** an offense involving a minor under a
25 State or Tribal statute that is similar to a pro-
26 vision described in subparagraph (A).

1 “(3) CIRCLE OF TRUST OFFENDER.—The term
2 ‘circle of trust offender’ means an offender who is
3 related to, or in a position of trust, authority, or su-
4 pervisory control with respect to, a child.

5 “(4) COMPUTER.—The term ‘computer’ has the
6 meaning given the term in section 1030 of title 18,
7 United States Code.

8 “(5) CONTACT SEXUAL OFFENSE.—The term
9 ‘contact sexual offense’ means—

10 “(A) an offense involving a minor under
11 chapter 109A of title 18, United States Code,
12 or any attempt or conspiracy to commit such an
13 offense; or

14 “(B) an offense involving a minor under a
15 State or Tribal statute that is similar to a pro-
16 vision described in subparagraph (A).

17 “(6) DUAL OFFENDER.—The term ‘dual of-
18 fender’ means—

19 “(A) a person who commits—

20 “(i) a technology-facilitated child sex-
21 ual exploitation offense or an offense in-
22 volving child sexual abuse material; and

23 “(ii) a contact sexual offense; and

1 “(B) without regard to whether the of-
2 fenses described in clauses (i) and (ii) of sub-
3 paragraph (A)—

4 “(i) are committed as part of the
5 same course of conduct; or

6 “(ii) involve the same victim.

7 “(7) FACILITATOR.—The term ‘facilitator’
8 means an individual who facilitates the commission
9 by another individual of—

10 “(A) a technology-facilitated child sexual
11 exploitation offense or an offense involving child
12 sexual abuse material; or

13 “(B) a contact sexual offense.

14 “(8) ICAC AFFILIATE PARTNER.—The term
15 ‘ICAC affiliate partner’ means a law enforcement
16 agency that has entered into a formal operating
17 agreement with the ICAC Task Force Program.

18 “(9) ICAC TASK FORCE.—The term ‘ICAC task
19 force’ means a task force that is part of the ICAC
20 Task Force Program.

21 “(10) ICAC TASK FORCE PROGRAM.—The term
22 ‘ICAC Task Force Program’ means the National
23 Internet Crimes Against Children Task Force Pro-
24 gram established under section 102 of the PRO-

1 TECT Our Children Act of 2008 (34 U.S.C.
2 21112).

3 “(11) OFFENSE INVOLVING CHILD SEXUAL
4 ABUSE MATERIAL.—The term ‘offense involving
5 child sexual abuse material’ means—

6 “(A) an offense under section 2251(d),
7 section 2252, or paragraphs (1) through (6) of
8 section 2252A(a) of title 18, United States
9 Code, or any attempt or conspiracy to commit
10 such an offense; or

11 “(B) an offense under a State or Tribal
12 statute that is similar to a provision described
13 in subparagraph (A).

14 “(12) SERIOUS OFFENDER.—The term ‘serious
15 offender’ means—

16 “(A) an offender who has committed a
17 contact sexual offense or child sexual exploi-
18 tation offense;

19 “(B) a dual offender, circle of trust of-
20 fender, or facilitator; or

21 “(C) an offender with a prior conviction
22 for a contact sexual offense, a child sexual ex-
23 ploitation offense, or an offense involving child
24 sexual abuse material.

1 “(13) STATE.—The term ‘State’ means a State
2 of the United States, the District of Columbia, and
3 any commonwealth, territory, or possession of the
4 United States.

5 “(14) TECHNOLOGY-FACILITATED.—The term
6 ‘technology-facilitated’, with respect to an offense,
7 means an offense that is committed through the use
8 of a computer, even if the use of a computer is not
9 an element of the offense.

10 “(b) ESTABLISHMENT OF PROGRAM.—The Attorney
11 General shall create and maintain a nationwide initiative
12 to align Federal, State, and local entities to combat the
13 growing epidemic of online child sexual exploitation and
14 abuse, to be known as the ‘Project Safe Childhood pro-
15 gram’, in accordance with this section.

16 “(c) BEST PRACTICES.—The Attorney General, in
17 coordination with the Child Exploitation and Obscenity
18 Section of the Criminal Division of the Department of
19 Justice and the Office of Juvenile Justice and Delinquency
20 Prevention of the Department of Justice, and in consulta-
21 tion with training and technical assistance providers under
22 the ICAC Task Force Program who are funded by the At-
23 torney General and with appropriate nongovernmental or-
24 ganizations, shall—

1 “(1) develop best practices to adopt a balanced
2 approach to the investigation of suspect leads involv-
3 ing contact sexual offenses, child sexual exploitation
4 offenses, and offenses involving child sexual abuse
5 material, and the prosecution of those offenses,
6 prioritizing when feasible the identification of a child
7 victim or a serious offender, which approach shall
8 incorporate the use of—

9 “(A) proactively generated leads, including
10 leads generated by current and emerging tech-
11 nology;

12 “(B) in-district investigative referrals; and

13 “(C) CyberTipline reports from the Na-
14 tional Center for Missing and Exploited Chil-
15 dren;

16 “(2) develop best practices to be used by each
17 United States Attorney and ICAC task force to as-
18 sess the likelihood that an individual could be a seri-
19 ous offender or that a child victim may be identified;

20 “(3) develop and implement a tracking and
21 communication system for Federal, State, and local
22 law enforcement agencies and prosecutor’s offices to
23 report successful cases of victim identification and
24 child rescue to the Department of Justice and the
25 public; and

1 “(4) encourage the submission of all lawfully
2 seized visual depictions to the Child Victim Identifi-
3 cation Program of the National Center for Missing
4 and Exploited Children.

5 “(d) IMPLEMENTATION.—Except as authorized
6 under subsection (c), funds authorized under this section
7 may only be used for the following 4 purposes:

8 “(1) Integrated Federal, State, and local efforts
9 to investigate and prosecute contact sexual offenses,
10 child sexual exploitation offenses, and offenses in-
11 volving child sexual abuse material, including—

12 “(A) the partnership by each United
13 States Attorney with each Internet Crimes
14 Against Children Task Force within the district
15 of such attorney;

16 “(B) training of Federal, State, and local
17 law enforcement officers and prosecutors
18 through—

19 “(i) programs facilitated by the ICAC
20 Task Force Program;

21 “(ii) ICAC training programs sup-
22 ported by the Office of Juvenile Justice
23 and Delinquency Prevention of the Depart-
24 ment of Justice;

1 “(iii) programs facilitated by appro-
2 priate nongovernmental organizations with
3 subject matter expertise, technical skill, or
4 technological tools to assist in the identi-
5 fication of and response to serious offend-
6 ers, contact sexual offenses, child sexual
7 exploitation offenses, or offenses involving
8 child sexual abuse material; and

9 “(iv) any other program that provides
10 training—

11 “(I) on the investigation and
12 identification of serious offenders or
13 victims of contact sexual offenses,
14 child sexual exploitation offenses, or
15 offenses involving child sexual abuse
16 material; or

17 “(II) that specifically addresses
18 the use of existing and emerging tech-
19 nologies to commit or facilitate con-
20 tact sexual offenses, child sexual ex-
21 ploitation offenses, or offenses involv-
22 ing child sexual abuse material;

23 “(C) the development by each United
24 States Attorney of a district-specific strategie
25 plan to coordinate with State and local law en-

1 enforcement agencies and prosecutor's offices, in-
2 cluding ICAC task forces and their ICAC affil-
3 iate partners, on the investigation of suspect
4 leads involving serious offenders, contact sexual
5 offenses, child sexual exploitation offenses, and
6 offenses involving child sexual abuse material,
7 and the prosecution of those offenders and of-
8 fenses, which plan—

9 “(i) shall include—

10 “(I) the use of the best practices
11 developed under paragraphs (1) and
12 (2) of subsection (c);

13 “(II) the development of plans
14 and protocols to target and rapidly in-
15 vestigate cases involving potential se-
16 rious offenders or the identification
17 and rescue of a victim of a contact
18 sexual offense, a child sexual exploi-
19 tation offense, or an offense involving
20 child sexual abuse material;

21 “(III) the use of training and
22 technical assistance programs to in-
23 corporate victim-centered, trauma-in-
24 formed practices in cases involving
25 victims of contact sexual offenses;

1 child sexual exploitation offenses, and
2 offenses involving child sexual abuse
3 material, which may include the use of
4 child protective services, children's ad-
5 vocacy centers, victim support special-
6 ists, or other supportive services;

7 “(IV) the development of plans to
8 track, report, and clearly commu-
9 nicate successful cases of victim iden-
10 tification and child rescue to the De-
11 partment of Justice and the public;

12 “(V) an analysis of the investiga-
13 tive and forensic capacity of law en-
14 forcement agencies and prosecutor's
15 offices within the district, and goals
16 for improving capacity and effective-
17 ness;

18 “(VI) a written policy describing
19 the criteria for referrals for prosecu-
20 tion from Federal, State, or local law
21 enforcement agencies, particularly
22 when the investigation may involve a
23 potential serious offender or the iden-
24 tification or rescue of a child victim;

1 “(VII) plans and budgets for
2 training of relevant personnel on con-
3 tact sexual offenses, child sexual ex-
4 ploitation offenses, and offenses in-
5 volving child sexual abuse material;

6 “(VIII) plans for coordination
7 and cooperation with State, local, and
8 Tribal law enforcement agencies and
9 prosecutorial offices; and

10 “(IX) evidence-based programs
11 that educate the public about and in-
12 crease awareness of such offenses; and

13 “(ii) shall be developed in consulta-
14 tion, as appropriate, with—

15 “(I) the local ICAC task force;

16 “(II) the United States Marshals
17 Service Sex Offender Targeting Cen-
18 ter;

19 “(III) training and technical as-
20 sistance providers under the ICAC
21 Task Force Program who are funded
22 by the Attorney General;

23 “(IV) nongovernmental organiza-
24 tions with subject matter expertise,
25 technical skill, or technological tools

1 to assist in the identification of and
2 response to contact sexual offenses;
3 child sexual exploitation offenses; or
4 offenses involving child sexual abuse
5 material;

6 “(V) any relevant component of
7 Homeland Security Investigations;

8 “(VI) any relevant component of
9 the Federal Bureau of Investigation;

10 “(VII) the Office of Juvenile Jus-
11 tice and Delinquency Prevention of
12 the Department of Justice;

13 “(VIII) the Child Exploitation
14 and Obscenity Section of the Criminal
15 Division of the Department of Justice;

16 “(IX) the United States Postal
17 Inspection Service;

18 “(X) the United States Secret
19 Service; and

20 “(XI) each military criminal in-
21 vestigation organization of the De-
22 partment of Defense; and

23 “(D) a quadrennial assessment by each
24 United States Attorney of the investigations
25 within the district of such attorney of contact

1 sexual offenses, child sexual exploitation of-
2 fenses, and offenses involving child sexual abuse
3 material—

4 “(i) with consideration of—

5 “(I) the variety of sources for
6 leads;

7 “(II) the proportion of work in-
8 volving proactive or undercover law
9 enforcement investigations;

10 “(III) the number of serious of-
11 fenders identified and prosecuted; and

12 “(IV) the number of children
13 identified or rescued; and

14 “(ii) information from which may be
15 used by the United States Attorney, as ap-
16 propriate, to revise the plan described in
17 subparagraph (C).

18 “(2) Major case coordination by the Depart-
19 ment of Justice (or other Federal agencies as appro-
20 priate), including specific cooperation, as appro-
21 priate, with—

22 “(A) the Child Exploitation and Obscenity
23 Section of the Criminal Division of the Depart-
24 ment of Justice;

1 “(B) any relevant component of Homeland
2 Security Investigations;

3 “(C) any relevant component of the Fed-
4 eral Bureau of Investigation;

5 “(D) the ICAC task forces and ICAC affil-
6 iate partners;

7 “(E) the United States Marshals Service,
8 including the Sex Offender Targeting Center;

9 “(F) the United States Postal Inspection
10 Service;

11 “(G) the United States Secret Service;

12 “(H) each Military Criminal Investigation
13 Organization of the Department of Defense;
14 and

15 “(I) any task forces established in connec-
16 tion with the Project Safe Childhood program
17 set forth under subsection (b).

18 “(3) Increased Federal involvement in, and
19 commitment to, the prevention and prosecution of
20 technology-facilitated child sexual exploitation of-
21 fenses or offenses involving child sexual abuse mate-
22 rial by—

23 “(A) using technology to identify victims
24 and serious offenders;

1 “(B) developing processes and tools to
2 identify victims and offenders; and

3 “(C) taking measures to improve informa-
4 tion sharing among Federal law enforcement
5 agencies, including for the purposes of imple-
6 menting the plans and protocols described in
7 paragraph (1)(C)(i)(II) to identify and rescue—

8 “(i) victims of contact sexual offenses;
9 child sexual exploitation offenses; and of-
10 fenses involving child sexual abuse mate-
11 rial; or

12 “(ii) victims of serious offenders.

13 “(4) The establishment, development, and im-
14 plementation of a nationally coordinated ‘Safer
15 Internet Day’ every year developed in collaboration
16 with the Department of Education, national and
17 local internet safety organizations, parent organiza-
18 tions, social media companies, and schools to pro-
19 vide—

20 “(A) national public awareness and evi-
21 dence-based educational programs about the
22 threats posed by circle of trust offenders and
23 the threat of contact sexual offenses, child sex-
24 ual exploitation offenses, or offenses involving

1 child sexual abuse material, and the use of
2 technology to facilitate those offenses;

3 “(B) information to parents and children
4 about how to avoid or prevent technology-facili-
5 tated child sexual exploitation offenses; and

6 “(C) information about how to report pos-
7 sible technology-facilitated child sexual exploi-
8 tation offenses or offenses involving child sexual
9 abuse material through—

10 “(i) the National Center for Missing
11 and Exploited Children;

12 “(ii) the ICAC Task Force Program;
13 and

14 “(iii) any other program that—

15 “(I) raises national awareness
16 about the threat of technology-facili-
17 tated child sexual exploitation offenses
18 or offenses involving child sexual
19 abuse material; and

20 “(II) provides information to par-
21 ents and children seeking to report
22 possible violations of technology-facili-
23 tated child sexual exploitation offenses
24 or offenses involving child sexual
25 abuse material.

1 “(e) EXPANSION OF PROJECT SAFE CHILDHOOD.—
 2 Notwithstanding subsection (d), funds authorized under
 3 this section may be also be used for the following pur-
 4 poses:

5 “(1) The addition of not less than 20 Assistant
 6 United States Attorneys at the Department of Jus-
 7 tice, relative to the number of such positions as of
 8 the day before the date of enactment of the Project
 9 Safe Childhood Act, who shall be—

10 “(A) dedicated to the prosecution of cases
 11 in connection with the Project Safe Childhood
 12 program set forth under subsection (b); and

13 “(B) responsible for assisting and coordi-
 14 nating the plans and protocols of each district
 15 under subsection (d)(1)(C)(i)(II).

16 “(2) Such other additional and related purposes
 17 as the Attorney General determines appropriate.

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—For the purpose of ear-
 20 rying out this section, there are authorized to be ap-
 21 propriated—

22 “(A) for the activities described under
 23 paragraphs (1), (2), and (3) of subsection (d),
 24 \$28,550,000 for each of fiscal years 2023
 25 through 2028;

1 “(B) for the activities described under sub-
2 section (d)(4), \$4,000,000 for each of fiscal
3 years 2023 through 2028; and

4 “(C) for the activities described under sub-
5 section (e), \$29,100,000 for each of fiscal years
6 2023 through 2028.

7 “(2) SUPPLEMENT, NOT SUPPLANT.—Amounts
8 made available to State and local agencies, pro-
9 grams, and services under this section shall supple-
10 ment, and not supplant, other Federal, State, or
11 local funds made available for those agencies, pro-
12 grams, and services.”.

13 **SEC. 3. TECHNICAL CLARIFICATIONS.**

14 (a) IN GENERAL.—Title 18, United States Code, is
15 amended—

16 (1) in section 1201—

17 (A) in subsection (a), in the matter pre-
18 ceding paragraph (1), by inserting “obtains by
19 defrauding or deceiving any person,” after “ab-
20 ducts,”; and

21 (B) in subsection (g), by adding at the end
22 the following:

23 “(2) DEFENSE.—For an offense described in
24 this subsection involving a victim who has not at-
25 tained the age of 16 years, it is not a defense that

1 the victim consented to the offender's conduct unless
 2 the offender can establish by a preponderance of the
 3 evidence that the offender reasonably believed that
 4 the victim had attained the age of 16 years.”;

5 (2) in chapter 109A—

6 (A) in section 2241—

7 (i) in subsection (b)—

8 (I) in paragraph (1)—

9 (aa) by inserting “or
 10 causes” after “engages in”; and

11 (bb) by inserting “or by”
 12 after “a sexual act with”; and

13 (II) in paragraph (2)(B)—

14 (aa) by inserting “or
 15 causes” after “engages in”; and

16 (bb) by inserting “or by”
 17 after “a sexual act with”;

18 (ii) in subsection (c)—

19 (I) by striking “crosses a State
 20 line” and inserting “travels in inter-
 21 state or foreign commerce”;

22 (II) by inserting “or cause” after
 23 “engage in”;

1 (III) by inserting “or by” after
2 “a sexual act with” each place it ap-
3 pears;

4 (IV) by inserting “or by” after
5 “subsections (a) and (b) with”;

6 (V) by inserting “or causes”
7 after “engages in” each place it ap-
8 pears; and

9 (VI) by inserting “or causing”
10 after “so engaging”; and

11 (iii) in subsection (d), by inserting “or
12 being caused to engage in” after “engaging
13 in”;

14 (B) in section 2242—

15 (i) in paragraph (2), in the matter
16 preceding subparagraph (A)—

17 (I) by inserting “or causes” after
18 “engages in”; and

19 (II) by inserting “or by” after “a
20 sexual act with”; and

21 (ii) in paragraph (3)—

22 (I) by inserting “or causes” after
23 “engages in”; and

24 (II) by inserting “or by” after “a
25 sexual act with”;

- 1 (C) in section 2243—
- 2 (i) in subsection (a)—
- 3 (I) in the matter preceding para-
- 4 graph (1)—
- 5 (aa) by inserting “or
- 6 causes” after “engages in”; and
- 7 (bb) by inserting “or by”
- 8 after “a sexual act with”; and
- 9 (II) in paragraph (2), by insert-
- 10 ing “or causing” after “so engaging”;
- 11 (ii) in subsection (b)—
- 12 (I) in the matter preceding para-
- 13 graph (1)—
- 14 (aa) by inserting “or
- 15 causes” after “engages in”; and
- 16 (bb) by inserting “or by”
- 17 after “a sexual act with”; and
- 18 (II) in paragraph (2), by insert-
- 19 ing “or causing” after “so engaging”;
- 20 (iii) in subsection (c)—
- 21 (I) by inserting “or causes” after
- 22 “engages in”; and
- 23 (II) by inserting “or by” after “a
- 24 sexual act with”; and
- 25 (iv) in subsection (c)—

1 (I) in paragraph (1), by inserting
 2 “or being caused to engage in” after
 3 “engaging in”; and

4 (II) in paragraph (2), by striking
 5 “between the persons so engaging”
 6 and inserting the following: “be-
 7 tween—

8 “(A) the defendant; and

9 “(B) the person—

10 “(i) with whom the defendant engaged
 11 in a sexual act; or

12 “(ii) whom the defendant caused to
 13 engage in a sexual act”; and

14 (D) in section 2244(b)—

15 (i) by inserting “or causes” after “en-
 16 gages in”; and

17 (ii) by inserting “or by” after “sexual
 18 contact with”; and

19 (3) in section 2423(f)(1)—

20 (A) by striking “a sexual act (as defined in
 21 section 2246) with” and inserting “any conduct
 22 involving”; and

23 (B) by striking “sexual act occurred” and
 24 inserting “conduct occurred”.

1 (b) **EFFECTIVE DATE.**—The amendment to section
 2 2241(e) of title 18, United States Code, made by sub-
 3 section (a)(2)(A)(ii)(I) of this section shall apply to con-
 4 duct that occurred before, on, or after the date of enact-
 5 ment of this Act.

6 **SEC. 4. SEXUAL EXPLOITATION AND OTHER ABUSE OF**
 7 **CHILDREN.**

8 Title 18 of the United States Code is amended—

9 (1) in section 1466A—

10 (A) in subsection (a)(1)(A), by inserting “,
 11 or includes a minor in such visual depiction of
 12 any adult engaging in sexually explicit conduct”
 13 after “sexually explicit conduct”; and

14 (B) in subsection (b)(1)(A), by inserting “,
 15 or includes a minor in such visual depiction of
 16 any adult engaging in sexually explicit conduct”
 17 after “sexually explicit conduct”;

18 (2) in chapter 109A—

19 (A) in section 2244—

20 (i) in subsection (a)—

21 (I) by redesignating paragraphs
 22 (1) through (5) as subparagraphs (A)
 23 through (E), respectively, and adjust-
 24 ing the margins accordingly;

1 (II) by striking “Whoever” and
2 inserting the following:

3 “(1) IN GENERAL.—Whoever”;

4 (III) in paragraph (1), as so des-
5 ignated—

6 (aa) in the matter preceding
7 subparagraph (A), as so redesign-
8 ated, by striking “if so to do”
9 and inserting “if to do so”;

10 (bb) in subparagraph (A), as
11 so redesignated, by striking
12 “ten” and inserting “10”;

13 (cc) in subparagraph (B), as
14 so redesignated, by striking
15 “three” and inserting “10”;

16 (dd) in subparagraph (C), as
17 so redesignated, by striking
18 “two” and inserting “5”; and

19 (ee) in subparagraph (D), as
20 so redesignated, by striking
21 “two” and inserting “5”; and

22 (IV) by adding at the end the fol-
23 lowing:

1 ~~“(2) ATTEMPT.—Whoever attempts to commit~~
 2 ~~an offense under paragraph (1) shall be subject to~~
 3 ~~the same penalty as for a completed offense.”;~~

4 (ii) in subsection (b)—

5 (I) by inserting “or causes” after
 6 “engages in”;

7 (II) by inserting “or by” after
 8 “sexual contact with”;

9 (III) by inserting “, or attempts
 10 to do so,” after “other person’s per-
 11 mission”; and

12 (IV) by striking “two” and in-
 13 serting “2”; and

14 (iii) in subsection (c), by striking “If
 15 the sexual contact that violates this section
 16 (other than subsection (a)(5)) is with an
 17 individual” and inserting “If the sexual
 18 contact or attempted sexual contact that a
 19 person engages in or causes in violation of
 20 this section (other than subsection
 21 (a)(1)(E)) is with or by an individual”;
 22 and

23 (B) in section 2246(2), by inserting after
 24 “16 years” the following: “, or of any person by

1 a person who has not attained the age of 16
2 years,”; and

3 ~~(3)~~ in chapter 110—

4 ~~(A)~~ in section 2251—

5 ~~(i)~~ by striking subsections (a) and (b)

6 and inserting the following:

7 “(a) Any person who, in a circumstance described in
8 subsection (f), engages in any of the following conduct
9 shall be punished as provided under subsection (e):

10 “(1) Employs, uses, persuades, induces, entices,
11 or coerces a minor to engage in any sexually explicit
12 conduct for the purpose of producing any visual de-
13 piction of such conduct or transmitting a live visual
14 depiction of such conduct.

15 “(2) Employs, uses, persuades, induces, entices,
16 or coerces a minor to engage in any sexually explicit
17 conduct and in the course thereof, knowingly pro-
18 duces or causes to be produced any visual depiction
19 of such conduct, or transmits or causes to be trans-
20 mitted a live visual depiction of such conduct.

21 “~~(3)~~ Engages in sexually explicit conduct in the
22 presence of a minor for the purpose of producing
23 any visual depiction of such conduct or transmitting
24 a live visual depiction of such conduct, intending
25 that the minor be included in such visual depiction.

1 “(4) Engages in sexually explicit conduct in the
2 presence of a minor and in the course thereof, know-
3 ingly produces or causes to be produced any visual
4 depiction of such conduct, or transmits or causes to
5 be transmitted a live visual depiction of such con-
6 duct, intentionally including the minor in such visual
7 depiction.

8 “(5) Has a minor assist any other person to en-
9 gage in any sexually explicit conduct during the
10 commission of an offense set forth in paragraphs (1)
11 through (4) of this subsection.

12 “(6) Transports any minor in or affecting inter-
13 state or foreign commerce with the intent that such
14 minor be used in the production or live transmission
15 of any visual depiction of a minor engaged in any
16 sexually explicit conduct.

17 “(b) Any parent, legal guardian, or person who has
18 custody or control of a minor and, in a circumstance de-
19 scribed in subsection (f), engages in any of the following
20 conduct shall be punished as provided under subsection
21 (e).

22 “(1) Knowingly permits such minor to engage
23 in, or to assist any other person to engage in, sexu-
24 ally explicit conduct—

1 “(A) for the purpose of producing any vis-
2 ual depiction of such conduct or transmitting a
3 live visual depiction of such conduct; or

4 “(B) knowing that any visual depiction of
5 such conduct will be produced or transmitted.

6 “(2) Knowingly permits an adult to engage in
7 sexually explicit conduct in the presence of the
8 minor—

9 “(A) for the purpose of producing any vis-
10 ual depiction of such conduct or transmitting a
11 live visual depiction of such conduct, intending
12 that the minor be included in such visual depic-
13 tion; or

14 “(B) knowing that any visual depiction of
15 such conduct will be produced or transmitted,
16 intentionally including the minor in such visual
17 depiction.”;

18 (ii) in subsection (c)—

19 (I) in paragraph (1)—

20 (aa) by striking “employs,
21 uses, persuades, induces, entices,
22 or coerces any minor to engage
23 in, or who has a minor assist any
24 other person to engage in, any
25 sexually explicit conduct” and in-

1 serting “engages in any of the
2 conduct described in paragraphs
3 (1) through (5) of subsection
4 (a)”;

5 (bb) by striking “for the
6 purpose of producing any visual
7 depiction of such conduct,”; and
8 (II) in paragraph (2)—

9 (aa) in subparagraph (A),
10 by inserting “or transmitted”
11 after “transported”; and

12 (bb) in subparagraph (B) by
13 inserting “or transmits” after
14 “transports”;

15 (iii) in subsection (d)(1), by striking
16 subparagraph (A) and inserting the fol-
17 lowing:

18 “(A) to receive, exchange, buy, produce,
19 display, distribute, or reproduce, any visual de-
20 piction, if—

21 “(i) the production of such visual de-
22 piction involves the use of a minor engag-
23 ing in sexually explicit conduct and such
24 visual depiction is of such conduct; or

1 “(ii) the production of such visual de-
 2 piction involves an adult engaging in sexu-
 3 ally explicit conduct in the presence of a
 4 minor, such visual depiction is of such con-
 5 duct, and the minor is intentionally in-
 6 cluded in the visual depiction; or”;

7 (iv) by adding at the end the fol-
 8 lowing:

9 “(f) CIRCUMSTANCES.—The circumstance referred to
 10 in subsections (a) and (b) is that—

11 “(1) the person knows or has reason to know
 12 that the visual depiction will be—

13 “(A) transported or transmitted using any
 14 means or facility of interstate or foreign com-
 15 merce;

16 “(B) transported or transmitted in or af-
 17 fecting interstate or foreign commerce; or

18 “(C) mailed;

19 “(2) the visual depiction was produced or trans-
 20 mitted using materials that have been—

21 “(A) mailed; or

22 “(B) shipped or transported in or affecting
 23 interstate or foreign commerce by any means,
 24 including by computer;

25 “(3) the visual depiction has actually been—

1 “(A) transported or transmitted using any
2 means or facility of interstate or foreign com-
3 merce;

4 “(B) transported or transmitted in or af-
5 fecting interstate or foreign commerce; or

6 “(C) mailed; or

7 “(4) any part of the offense occurred in a terri-
8 tory or possession of the United States or within the
9 special maritime and territorial jurisdiction of the
10 United States.”;

11 (B) in section 2251A—

12 (i) in subsection (a)—

13 (I) in the matter preceding para-
14 graph (1), by inserting “ or control”
15 after “transfer custody”;

16 (II) by striking paragraph (1)
17 and inserting the following:

18 “(1) with knowledge that, as a consequence of
19 the sale or transfer, the minor will be—

20 “(A) portrayed in any visual depiction en-
21 gaging in, or assisting another person to engage
22 in, sexually explicit conduct; or

23 “(B) intentionally included in any visual
24 depiction of an adult engaging in sexually ex-

1 plicit conduct in the presence of the minor; or”;
2 and

3 (III) in paragraph (2)—

4 (aa) in the matter preceding
5 subparagraph (A), by striking
6 “either”;

7 (bb) in subparagraph (A),
8 by striking “or” at the end;

9 (cc) in subparagraph (B), by
10 adding “or” at the end; and

11 (dd) by inserting after sub-
12 paragraph (B) the following:

13 “(C) the intentional inclusion of the minor
14 in any visual depiction of an adult engaging in
15 sexually explicit conduct in the presence of the
16 minor;” and

17 (ii) in subsection (b)—

18 (I) by striking paragraph (1) and
19 inserting the following:

20 “(1) with knowledge that, as a consequence of
21 the purchase or obtaining of custody or control, the
22 minor will be—

23 “(A) portrayed in any visual depiction en-
24 gaging in, or assisting another person to engage
25 in, sexually explicit conduct; or

1 “(B) intentionally included in any visual
2 depiction of an adult engaging in sexually ex-
3 plicit conduct in the presence of the minor; or”;
4 and

5 (II) in paragraph (2)—

6 (aa) in the matter preceding
7 subparagraph (A), by striking
8 “either”;

9 (bb) in subparagraph (A),
10 by striking “or” at the end;

11 (cc) in subparagraph (B), by
12 adding “or” at the end; and

13 (dd) by inserting after sub-
14 paragraph (B) the following:

15 “(C) the intentional inclusion of the minor
16 in any visual depiction of an adult engaging in
17 sexually explicit conduct in the presence of the
18 minor;”;

19 (C) in section 2252(a)—

20 (i) in paragraph (1), by striking sub-
21 paragraphs (A) and (B) and inserting the
22 following:

23 “(A) the producing of such visual depiction
24 involves the use of a minor engaging in sexually

1 explicit conduct and such visual depiction is of
2 such conduct; or

3 “(B) the producing of such visual depiction
4 involves an adult engaging in sexually explicit
5 conduct in the presence of a minor, such visual
6 depiction is of such conduct, and the minor is
7 intentionally included in the visual depiction;”;

8 (ii) in paragraph (2), by striking sub-
9 paragraphs (A) and (B) and inserting the
10 following:

11 “(A) the producing of such visual depiction
12 involves the use of a minor engaging in sexually
13 explicit conduct and such visual depiction is of
14 such conduct; or

15 “(B) the producing of such visual depiction
16 involves an adult engaging in sexually explicit
17 conduct in the presence of a minor, such visual
18 depiction is of such conduct, and the minor is
19 intentionally included in the visual depiction;”;

20 (iii) in paragraph (3)(B), by striking
21 clauses (i) and (ii) and inserting the fol-
22 lowing:

23 “(i) the producing of such visual de-
24 piction involves the use of a minor engag-

1 ing in sexually explicit conduct and such
 2 visual depiction is of such conduct; or

3 “(ii) the producing of such visual de-
 4 piction involves an adult engaging in sexu-
 5 ally explicit conduct in the presence of a
 6 minor, such visual depiction is of such con-
 7 duct, and the minor is intentionally in-
 8 cluded in the visual depiction;” and

9 (iv) in paragraph (4)(B), by striking
 10 clauses (i) and (ii) and inserting the fol-
 11 lowing:

12 “(i) the producing of such visual de-
 13 piction involves the use of a minor engag-
 14 ing in sexually explicit conduct and such
 15 visual depiction is of such conduct; or

16 “(ii) the producing of such visual de-
 17 piction involves an adult engaging in sexu-
 18 ally explicit conduct in the presence of a
 19 minor, such visual depiction is of such con-
 20 duct, and the minor is intentionally in-
 21 cluded in the visual depiction;”;

22 (D) in section 2256—

23 (i) in paragraph (8)—

24 (I) by striking subparagraph (A)
 25 and inserting the following:

1 “(A) the production of such visual depic-
2 tion involves—

3 “(i) the use of a minor engaging in
4 sexually explicit conduct; or

5 “(ii) an adult engaging in sexually ex-
6 plicit conduct in the presence of a minor
7 and the intentional inclusion of the minor
8 in the visual depiction;” and

9 (II) in subparagraph (B), by in-
10 serting after “sexually explicit con-
11 duct” the following: “or that of a
12 minor intentionally included in such
13 visual depiction of an adult engaging
14 in sexually explicit conduct”; and

15 (III) in subparagraph (C), by in-
16 serting after “sexually explicit con-
17 duct.” the following: “or is inten-
18 tionally included in such visual depic-
19 tion of an adult engaging in sexually
20 explicit conduct”;

21 (ii) in paragraph (9), by striking the
22 period at the end and inserting a semi-
23 colon;

24 (iii) in paragraph (10), by striking
25 “and” at the end;

1 (iv) in paragraph (11), by striking the
2 period at the end and inserting “; and”;
3 and

4 (v) adding at the end the following:

5 “(12) the terms ‘uses any minor to engage in’,
6 ‘the use of a minor engaging in’, and ‘in the pres-
7 ence of a minor’ do not require—

8 “(A) the minor to be aware of, or to be ea-
9 pable of appraising the nature of, the sexually
10 explicit conduct; or

11 “(B) any direct engagement or active par-
12 ticipation by the minor in the sexually explicit
13 conduct.”; and

14 (E) in section 2260—

15 (i) by striking subsection (a) and in-
16 serting the following:

17 “(a) USE OF MINOR.—A person who, outside the
18 United States, engages in any of the following conduct,
19 intending that the visual depiction will be imported or
20 transmitted into the United States or into waters within
21 12 miles of the coast of the United States, shall be pun-
22 ished as provided in subsection (c):

23 “(1) Employs, uses, persuades, induces, entices,
24 or coerces a minor to engage in any sexually explicit
25 conduct for the purpose of producing any visual de-

1 piction of such conduct or transmitting a live visual
2 depiction of such conduct.

3 “(2) Employs, uses, persuades, induces, entices,
4 or coerces a minor to engage in any sexually explicit
5 conduct and in the course thereof, knowingly pro-
6 duces or causes to be produced any visual depiction
7 of such conduct, or transmits or causes to be trans-
8 mitted a live visual depiction of such conduct.

9 “(3) Engages in sexually explicit conduct in the
10 presence of a minor for the purpose of producing
11 any visual depiction of such conduct or transmitting
12 a live visual depiction of such conduct, intending
13 that the minor be included in such visual depiction.

14 “(4) Engages in sexually explicit conduct in the
15 presence of a minor and in the course thereof, know-
16 ingly produces or causes to be produced any visual
17 depiction of such conduct, or transmits or causes to
18 be transmitted a live visual depiction of such con-
19 duct, intentionally including the minor in such visual
20 depiction.

21 “(5) Has a minor assist any other person to en-
22 gage in any sexually explicit conduct during the
23 commission of an offense set forth in paragraphs (1)
24 through (4) of this subsection.

1 “(6) Transports any minor in or affecting for-
 2 eign commerce with the intent that such minor be
 3 used in the production or live transmission of any
 4 visual depiction of a minor engaged in any sexually
 5 explicit conduct.”; and

6 (ii) in subsection (b), by striking “vis-
 7 ual depiction of a minor engaging in sexu-
 8 ally explicit conduct (if the production of
 9 the visual depiction involved the use of a
 10 minor engaging in sexually explicit con-
 11 duct), intending that the visual depiction”
 12 and inserting “child pornography (as de-
 13 fined in section 2256(8)(A)), intending
 14 that the child pornography”.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Project Safe Childhood*
 17 *Act”.*

18 **SEC. 2. PROJECT SAFE CHILDHOOD MODERNIZATION.**

19 *Section 143 of the Adam Walsh Child Protection and*
 20 *Safety Act of 2006 (34 U.S.C. 20942) is amended to read*
 21 *as follows:*

22 **“SEC. 143. PROJECT SAFE CHILDHOOD.**

23 “(a) *DEFINITIONS.—In this section:*

24 “(1) *CHILD SEXUAL ABUSE MATERIAL.—The*
 25 *term ‘child sexual abuse material’ has the meaning*

1 *given the term ‘child pornography’ in section 2256 of*
2 *title 18, United States Code.*

3 “(2) *CHILD SEXUAL EXPLOITATION OFFENSE.*—

4 *The term ‘child sexual exploitation offense’ means—*

5 “(A)(i) *an offense involving a minor under*
6 *section 1591 or chapter 117 of title 18, United*
7 *States Code;*

8 “(ii) *an offense under subsection (a), (b), or*
9 *(c) of section 2251 of title 18, United States*
10 *Code;*

11 “(iii) *an offense under section 2251A or*
12 *2252A(g) of title 18, United States Code; or*

13 “(iv) *any attempt or conspiracy to commit*
14 *an offense described in clause (i) or (ii); or*

15 “(B) *an offense involving a minor under a*
16 *State or Tribal statute that is similar to a provi-*
17 *sion described in subparagraph (A).*

18 “(3) *CIRCLE OF TRUST OFFENDER.*—*The term*
19 *‘circle of trust offender’ means an offender who is re-*
20 *lated to, or in a position of trust, authority, or super-*
21 *visory control with respect to, a child.*

22 “(4) *COMPUTER.*—*The term ‘computer’ has the*
23 *meaning given the term in section 1030 of title 18,*
24 *United States Code.*

1 “(5) *CONTACT SEXUAL OFFENSE.*—*The term*
2 ‘*contact sexual offense*’ *means—*

3 “(A) *an offense involving a minor under*
4 *chapter 109A of title 18, United States Code, or*
5 *any attempt or conspiracy to commit such an of-*
6 *fense; or*

7 “(B) *an offense involving a minor under a*
8 *State or Tribal statute that is similar to a provi-*
9 *sion described in subparagraph (A).*

10 “(6) *DUAL OFFENDER.*—*The term ‘dual offender’*
11 *means—*

12 “(A) *a person who commits—*

13 “(i) *a technology-facilitated child sex-*
14 *ual exploitation offense or an offense involv-*
15 *ing child sexual abuse material; and*

16 “(ii) *a contact sexual offense; and*

17 “(B) *without regard to whether the offenses*
18 *described in clauses (i) and (ii) of subparagraph*
19 *(A)—*

20 “(i) *are committed as part of the same*
21 *course of conduct; or*

22 “(ii) *involve the same victim.*

23 “(7) *FACILITATOR.*—*The term ‘facilitator’ means*
24 *an individual who facilitates the commission by an-*
25 *other individual of—*

1 “(A) a technology-facilitated child sexual
2 exploitation offense or an offense involving child
3 sexual abuse material; or

4 “(B) a contact sexual offense.

5 “(8) *ICAC AFFILIATE PARTNER*.—The term
6 ‘*ICAC affiliate partner*’ means a law enforcement
7 agency that has entered into a formal operating
8 agreement with the *ICAC Task Force Program*.

9 “(9) *ICAC TASK FORCE*.—The term ‘*ICAC task*
10 *force*’ means a task force that is part of the *ICAC*
11 *Task Force Program*.

12 “(10) *ICAC TASK FORCE PROGRAM*.—The term
13 ‘*ICAC Task Force Program*’ means the *National*
14 *Internet Crimes Against Children Task Force Pro-*
15 *gram established under section 102 of the PROTECT*
16 *Our Children Act of 2008 (34 U.S.C. 21112)*.

17 “(11) *OFFENSE INVOLVING CHILD SEXUAL ABUSE*
18 *MATERIAL*.—The term ‘*offense involving child sexual*
19 *abuse material*’ means—

20 “(A) an offense under section 2251(d), sec-
21 tion 2252, or paragraphs (1) through (6) of sec-
22 tion 2252A(a) of title 18, United States Code, or
23 any attempt or conspiracy to commit such an of-
24 fense; or

1 “(B) an offense under a State or Tribal
2 statute that is similar to a provision described
3 in subparagraph (A).

4 “(12) *SERIOUS OFFENDER*.—The term ‘serious
5 offender’ means—

6 “(A) an offender who has committed a con-
7 tact sexual offense or child sexual exploitation of-
8 fense;

9 “(B) a dual offender, circle of trust offender,
10 or facilitator; or

11 “(C) an offender with a prior conviction for
12 a contact sexual offense, a child sexual exploi-
13 tation offense, or an offense involving child sex-
14 ual abuse material.

15 “(13) *STATE*.—The term ‘State’ means a State
16 of the United States, the District of Columbia, and
17 any commonwealth, territory, or possession of the
18 United States.

19 “(14) *TECHNOLOGY-FACILITATED*.—The term
20 ‘technology-facilitated’, with respect to an offense,
21 means an offense that is committed through the use
22 of a computer, even if the use of a computer is not
23 an element of the offense.

24 “(b) *ESTABLISHMENT OF PROGRAM*.—The Attorney
25 General shall create and maintain a nationwide initiative

1 *to align Federal, State, and local entities to combat the*
2 *growing epidemic of online child sexual exploitation and*
3 *abuse, to be known as the ‘Project Safe Childhood program’,*
4 *in accordance with this section.*

5 “(c) *BEST PRACTICES.—The Attorney General, in co-*
6 *ordination with the Child Exploitation and Obscenity Sec-*
7 *tion of the Criminal Division of the Department of Justice*
8 *and the Office of Juvenile Justice and Delinquency Preven-*
9 *tion of the Department of Justice, and in consultation with*
10 *training and technical assistance providers under the ICAC*
11 *Task Force Program who are funded by the Attorney Gen-*
12 *eral and with appropriate nongovernmental organizations,*
13 *shall—*

14 “(1) *develop best practices to adopt a balanced*
15 *approach to the investigation of suspect leads involv-*
16 *ing contact sexual offenses, child sexual exploitation*
17 *offenses, and offenses involving child sexual abuse ma-*
18 *terial, and the prosecution of those offenses,*
19 *prioritizing when feasible the identification of a child*
20 *victim or a serious offender, which approach shall in-*
21 *corporate the use of—*

22 “(A) *proactively generated leads, including*
23 *leads generated by current and emerging tech-*
24 *nology;*

25 “(B) *in-district investigative referrals; and*

1 “(C) *CyberTipline* reports from the Na-
2 tional Center for Missing and Exploited Chil-
3 dren;

4 “(2) develop best practices to be used by each
5 United States Attorney and ICAC task force to assess
6 the likelihood that an individual could be a serious of-
7 fender or that a child victim may be identified;

8 “(3) develop and implement a tracking and com-
9 munication system for Federal, State, and local law
10 enforcement agencies and prosecutor’s offices to report
11 successful cases of victim identification and child res-
12 cue to the Department of Justice and the public; and

13 “(4) encourage the submission of all lawfully
14 seized visual depictions to the Child Victim Identi-
15 fication Program of the National Center for Missing
16 and Exploited Children.

17 “(d) *IMPLEMENTATION*.—Except as authorized under
18 subsection (e), funds authorized under this section may only
19 be used for the following 4 purposes:

20 “(1) *Integrated Federal, State, and local efforts*
21 *to investigate and prosecute contact sexual offenses,*
22 *child sexual exploitation offenses, and offenses involv-*
23 *ing child sexual abuse material, including—*

24 “(A) *the partnership by each United States*
25 *Attorney with each Internet Crimes Against*

1 *Children Task Force within the district of such*
2 *attorney;*

3 “(B) *training of Federal, State, and local*
4 *law enforcement officers and prosecutors*
5 *through—*

6 “(i) *programs facilitated by the ICAC*
7 *Task Force Program;*

8 “(ii) *ICAC training programs sup-*
9 *ported by the Office of Juvenile Justice and*
10 *Delinquency Prevention of the Department*
11 *of Justice;*

12 “(iii) *programs facilitated by appro-*
13 *priate nongovernmental organizations with*
14 *subject matter expertise, technical skill, or*
15 *technological tools to assist in the identifica-*
16 *tion of and response to serious offenders,*
17 *contact sexual offenses, child sexual exploi-*
18 *tation offenses, or offenses involving child*
19 *sexual abuse material; and*

20 “(iv) *any other program that provides*
21 *training—*

22 “(I) *on the investigation and*
23 *identification of serious offenders or*
24 *victims of contact sexual offenses, child*
25 *sexual exploitation offenses, or offenses*

1 *involving child sexual abuse material;*
2 *or*

3 *“(II) that specifically addresses*
4 *the use of existing and emerging tech-*
5 *nologies to commit or facilitate contact*
6 *sexual offenses, child sexual exploi-*
7 *tation offenses, or offenses involving*
8 *child sexual abuse material;*

9 *“(C) the development by each United States*
10 *Attorney of a district-specific strategic plan to*
11 *coordinate with State and local law enforcement*
12 *agencies and prosecutor’s offices, including ICAC*
13 *task forces and their ICAC affiliate partners, on*
14 *the investigation of suspect leads involving seri-*
15 *ous offenders, contact sexual offenses, child sexual*
16 *exploitation offenses, and offenses involving child*
17 *sexual abuse material, and the prosecution of*
18 *those offenders and offenses, which plan—*

19 *“(i) shall include—*

20 *“(I) the use of the best practices*
21 *developed under paragraphs (1) and*
22 *(2) of subsection (c);*

23 *“(II) the development of plans*
24 *and protocols to target and rapidly in-*
25 *vestigate cases involving potential seri-*

1 *ous offenders or the identification and*
2 *rescue of a victim of a contact sexual*
3 *offense, a child sexual exploitation of-*
4 *fense, or an offense involving child sex-*
5 *ual abuse material;*

6 *“(III) the use of training and*
7 *technical assistance programs to incor-*
8 *porate victim-centered, trauma-in-*
9 *formed practices in cases involving vic-*
10 *tims of contact sexual offenses, child*
11 *sexual exploitation offenses, and of-*
12 *fenses involving child sexual abuse ma-*
13 *terial, which may include the use of*
14 *child protective services, children’s ad-*
15 *vocacy centers, victim support special-*
16 *ists, or other supportive services;*

17 *“(IV) the development of plans to*
18 *track, report, and clearly communicate*
19 *successful cases of victim identification*
20 *and child rescue to the Department of*
21 *Justice and the public;*

22 *“(V) an analysis of the investiga-*
23 *tive and forensic capacity of law en-*
24 *forcement agencies and prosecutor’s of-*

1 *fices within the district, and goals for*
2 *improving capacity and effectiveness;*

3 *“(VI) a written policy describing*
4 *the criteria for referrals for prosecution*
5 *from Federal, State, or local law en-*
6 *forcement agencies, particularly when*
7 *the investigation may involve a poten-*
8 *tial serious offender or the identifica-*
9 *tion or rescue of a child victim;*

10 *“(VII) plans and budgets for*
11 *training of relevant personnel on con-*
12 *tact sexual offenses, child sexual exploi-*
13 *tation offenses, and offenses involving*
14 *child sexual abuse material;*

15 *“(VIII) plans for coordination*
16 *and cooperation with State, local, and*
17 *Tribal law enforcement agencies and*
18 *prosecutorial offices; and*

19 *“(IX) evidence-based programs*
20 *that educate the public about and in-*
21 *crease awareness of such offenses; and*

22 *“(ii) shall be developed in consultation,*
23 *as appropriate, with—*

24 *“(I) the local ICAC task force;*

1 “(II) the United States Marshals
2 Service Sex Offender Targeting Center;

3 “(III) training and technical as-
4 sistance providers under the ICAC
5 Task Force Program who are funded
6 by the Attorney General;

7 “(IV) nongovernmental organiza-
8 tions with subject matter expertise,
9 technical skill, or technological tools to
10 assist in the identification of and re-
11 sponse to contact sexual offenses, child
12 sexual exploitation offenses, or offenses
13 involving child sexual abuse material;

14 “(V) any relevant component of
15 Homeland Security Investigations;

16 “(VI) any relevant component of
17 the Federal Bureau of Investigation;

18 “(VII) the Office of Juvenile Jus-
19 tice and Delinquency Prevention of the
20 Department of Justice;

21 “(VIII) the Child Exploitation
22 and Obscenity Section of the Criminal
23 Division of the Department of Justice;

24 “(IX) the United States Postal In-
25 spection Service;

1 “(X) *the United States Secret*
2 *Service; and*

3 “(XI) *each military criminal in-*
4 *vestigation organization of the Depart-*
5 *ment of Defense; and*

6 “(D) *a quadrennial assessment by each*
7 *United States Attorney of the investigations*
8 *within the district of such attorney of contact*
9 *sexual offenses, child sexual exploitation offenses,*
10 *and offenses involving child sexual abuse mate-*
11 *rial—*

12 “(i) *with consideration of—*

13 “(I) *the variety of sources for*
14 *leads;*

15 “(II) *the proportion of work in-*
16 *volving proactive or undercover law*
17 *enforcement investigations;*

18 “(III) *the number of serious of-*
19 *fenders identified and prosecuted; and*

20 “(IV) *the number of children iden-*
21 *tified or rescued; and*

22 “(ii) *information from which may be*
23 *used by the United States Attorney, as ap-*
24 *propriate, to revise the plan described in*
25 *subparagraph (C).*

1 “(2) Major case coordination by the Department
2 of Justice (or other Federal agencies as appropriate),
3 including specific cooperation, as appropriate, with—

4 “(A) the Child Exploitation and Obscenity
5 Section of the Criminal Division of the Depart-
6 ment of Justice;

7 “(B) any relevant component of Homeland
8 Security Investigations;

9 “(C) any relevant component of the Federal
10 Bureau of Investigation;

11 “(D) the ICAC task forces and ICAC affil-
12 iate partners;

13 “(E) the United States Marshals Service,
14 including the Sex Offender Targeting Center;

15 “(F) the United States Postal Inspection
16 Service;

17 “(G) the United States Secret Service;

18 “(H) each Military Criminal Investigation
19 Organization of the Department of Defense; and

20 “(I) any task forces established in connec-
21 tion with the Project Safe Childhood program set
22 forth under subsection (b).

23 “(3) Increased Federal involvement in, and com-
24 mitment to, the prevention and prosecution of tech-

1 *nology-facilitated child sexual exploitation offenses or*
2 *offenses involving child sexual abuse material by—*

3 *“(A) using technology to identify victims*
4 *and serious offenders;*

5 *“(B) developing processes and tools to iden-*
6 *tify victims and offenders; and*

7 *“(C) taking measures to improve informa-*
8 *tion sharing among Federal law enforcement*
9 *agencies, including for the purposes of imple-*
10 *menting the plans and protocols described in*
11 *paragraph (1)(C)(i)(II) to identify and rescue—*

12 *“(i) victims of contact sexual offenses,*
13 *child sexual exploitation offenses, and of-*
14 *fenses involving child sexual abuse material;*

15 *or*

16 *“(ii) victims of serious offenders.*

17 *“(4) The establishment, development, and imple-*
18 *mentation of a nationally coordinated ‘Safer Internet*
19 *Day’ every year developed in collaboration with the*
20 *Department of Education, national and local internet*
21 *safety organizations, parent organizations, social*
22 *media companies, and schools to provide—*

23 *“(A) national public awareness and evi-*
24 *dence-based educational programs about the*
25 *threats posed by circle of trust offenders and the*

1 *threat of contact sexual offenses, child sexual ex-*
2 *ploitation offenses, or offenses involving child*
3 *sexual abuse material, and the use of technology*
4 *to facilitate those offenses;*

5 “(B) *information to parents and children*
6 *about how to avoid or prevent technology-facili-*
7 *tated child sexual exploitation offenses; and*

8 “(C) *information about how to report pos-*
9 *sible technology-facilitated child sexual exploi-*
10 *tation offenses or offenses involving child sexual*
11 *abuse material through—*

12 “(i) *the National Center for Missing*
13 *and Exploited Children;*

14 “(ii) *the ICAC Task Force Program;*
15 *and*

16 “(iii) *any other program that—*

17 “(I) *raises national awareness*
18 *about the threat of technology-facili-*
19 *tated child sexual exploitation offenses*
20 *or offenses involving child sexual abuse*
21 *material; and*

22 “(II) *provides information to par-*
23 *ents and children seeking to report pos-*
24 *sible violations of technology-facilitated*
25 *child sexual exploitation offenses or of-*

1 *fenses involving child sexual abuse ma-*
2 *terial.*

3 “(e) *EXPANSION OF PROJECT SAFE CHILDHOOD.*—
4 *Notwithstanding subsection (d), funds authorized under this*
5 *section may be also be used for the following purposes:*

6 “(1) *The addition of not less than 20 Assistant*
7 *United States Attorneys at the Department of Justice,*
8 *relative to the number of such positions as of the day*
9 *before the date of enactment of the Project Safe Child-*
10 *hood Act, who shall be—*

11 “(A) *dedicated to the prosecution of cases in*
12 *connection with the Project Safe Childhood pro-*
13 *gram set forth under subsection (b); and*

14 “(B) *responsible for assisting and coordi-*
15 *nating the plans and protocols of each district*
16 *under subsection (d)(1)(C)(i)(II).*

17 “(2) *Such other additional and related purposes*
18 *as the Attorney General determines appropriate.*

19 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—

20 “(1) *IN GENERAL.*—*For the purpose of carrying*
21 *out this section, there are authorized to be appro-*
22 *priated—*

23 “(A) *for the activities described under para-*
24 *graphs (1), (2), and (3) of subsection (d),*

1 \$28,550,000 for each of fiscal years 2023 through
2 2028;

3 “(B) for the activities described under sub-
4 section (d)(4), \$4,000,000 for each of fiscal years
5 2023 through 2028; and

6 “(C) for the activities described under sub-
7 section (e), \$29,100,000 for each of fiscal years
8 2023 through 2028.

9 “(2) SUPPLEMENT, NOT SUPPLANT.—Amounts
10 made available to State and local agencies, programs,
11 and services under this section shall supplement, and
12 not supplant, other Federal, State, or local funds
13 made available for those agencies, programs, and
14 services.”.

Calendar No. 68

118TH CONGRESS
1ST Session

S. 1170

A BILL

To reauthorize and update the Project Safe
Childhood program, and for other purposes.

MAY 15, 2023

Reported with an amendment