

119TH CONGRESS
2D SESSION

S. 3023

AN ACT

To limit liability for certain entities storing child sexual abuse material for law enforcement agencies, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safe Cloud Storage
3 Act”.

4 **SEC. 2. STORAGE OF CHILD PORNOGRAPHY, CHILD OB-**
5 **SCENITY, AND INTIMATE VISUAL DEPICTIONS**
6 **OF MINORS.**

7 (a) IN GENERAL.—Title II of the PROTECT Our
8 Children Act of 2008 (34 U.S.C. 21101 et seq.) is amend-
9 ed by inserting after section 201 the following:

10 **“SEC. 202. MODERNIZING LAW ENFORCEMENT’S ABILITY TO**
11 **STORE CHILD PORNOGRAPHY, CHILD OB-**
12 **SCENITY, AND INTIMATE VISUAL DEPICTIONS**
13 **OF MINORS AND LIMITED LIABILITY FOR AP-**
14 **PROVED VENDORS.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) APPROVED VENDOR.—The term ‘approved
17 vendor’ means a cloud service provider that—

18 “(A) complies with the security require-
19 ments described in subsection (c); and

20 “(B) has been contractually retained by a
21 covered agency to support the duties of such
22 agency by—

23 “(i) storing digital child pornography,
24 child obscenity, or an intimate visual depic-
25 tion of a minor;

1 “(ii) making such child pornography,
 2 child obscenity, or intimate visual depiction
 3 of a minor available to the contracting
 4 agency, or any law enforcement or prosecu-
 5 torial agency designated by the contracting
 6 agency, upon request; and

7 “(iii) providing maintenance, technical
 8 and analytical assistance, and forensic tool
 9 processing support upon request by the
 10 contracting agency.

11 “(2) CHILD PORNOGRAPHY.—The term ‘child
 12 pornography’ has the meaning given that term in
 13 section 2256(8) of title 18, United States Code.

14 “(3) CLOUD SERVICE PROVIDER.—The term
 15 ‘cloud service provider’ means an organization, cor-
 16 poration, or entity that makes available digital stor-
 17 age services, including remote or cloud-based stor-
 18 age, and analytical and forensic tool processing sup-
 19 port.

20 “(4) COVERED AGENCY.—The term ‘covered
 21 agency’ means a Federal, State, or local law enforce-
 22 ment or prosecutorial agency.

23 “(5) INTIMATE VISUAL DEPICTION OF A
 24 MINOR.—The term ‘intimate visual depiction of a
 25 minor’ means an intimate visual depiction, as de-

1 fined in section 223(h) of the Communications Act
 2 of 1934 (47 U.S.C. 223(h)), including a digital for-
 3 gery, of an identifiable individual who is a minor, as
 4 that term is defined in such section.

5 “(6) LOCAL.—The term ‘local’ means any polit-
 6 ical subdivision of a State.

7 “(7) STATE.—The term ‘State’ means any of
 8 the 50 States of the United States, the District of
 9 Columbia, the Commonwealth of Puerto Rico, the
 10 Virgin Islands of the United States, Guam, Amer-
 11 ican Samoa, or the Commonwealth of the Northern
 12 Mariana Islands.

13 “(b) LIMITED LIABILITY FOR APPROVED VEN-
 14 DORS.—

15 “(1) LIMITED LIABILITY FOR LAW ENFORCE-
 16 MENT APPROVED VENDORS.—Except as provided in
 17 paragraph (2), a civil claim or criminal charge may
 18 not be brought in any Federal or State court against
 19 an approved vendor relating to the approved ven-
 20 dor’s performance of any contractual obligation or
 21 service described in subsection (a)(1).

22 “(2) INTENTIONAL, RECKLESS, OR OTHER MIS-
 23 CONDUCT.—A civil claim or criminal charge may be
 24 brought in any Federal or State court against an ap-
 25 proved vendor if the approved vendor—

1 “(A) engaged in—

2 “(i) intentional misconduct; or

3 “(ii) negligent conduct; or

4 “(B) acted, or failed to act—

5 “(i) with actual malice;

6 “(ii) with reckless disregard to a sub-
7 stantial risk of causing injury without legal
8 justification; or

9 “(iii) for a purpose unrelated to the
10 performance of any responsibility or func-
11 tion described in subsection (a)(1)(B).

12 “(c) **VENDOR CYBERSECURITY REQUIREMENTS.—**

13 With respect to any child pornography, child obscenity, or
14 intimate visual depiction of a minor stored, maintained,
15 or processed by an approved vendor, such approved vendor
16 shall—

17 “(1) secure such child pornography, child ob-
18 scenity, or intimate visual depiction of a minor in a
19 manner that is consistent with the most recent
20 version of the Cybersecurity Framework developed
21 by the National Institute of Standards and Tech-
22 nology, or any successor thereto;

23 “(2) only access the child pornography, child
24 obscenity, or intimate visual depiction of a minor
25 upon consent of the covered agency contracting the

1 service and for the purpose of providing mainte-
2 nance, technical assistance, and forensic tool proc-
3 essing support in the cloud;

4 “(3) minimize the number of employees that
5 may be able to obtain access to such child pornog-
6 raphy, child obscenity, or intimate visual depiction of
7 a minor and maintain a list of employees who have
8 obtained such access;

9 “(4) employ end-to-end encryption for data
10 storage and transfer functions, or an equivalent
11 technological standard;

12 “(5) undergo an independent annual cybersecu-
13 rity audit to determine whether such child pornog-
14 raphy, child obscenity, or intimate visual depiction of
15 a minor is secured as required by paragraphs (1),
16 (3), and (4), including by assessing compliance with
17 the National Institute of Standards and Technology
18 Special Publication 800–53, Revision 5 (relating to
19 security and privacy controls for information sys-
20 tems and organizations) or any successor documents
21 or revisions; and

22 “(6) promptly address all issues identified by
23 an audit described in paragraph (5).

24 “(d) EVIDENCE STORAGE.—Any covered agency that
25 stores child pornography, child obscenity, or an intimate

1 visual depiction of a minor pursuant to a contract with
 2 an approved vendor shall retain such evidence—

3 “(1) in compliance with the security policy of
 4 the Criminal Justice Information Services Division
 5 of the Federal Bureau of Investigation, or any other
 6 similar and appropriate division within the Federal
 7 Bureau of Investigation;

8 “(2) for a period consistent with the evidence
 9 retention requirements applicable to the covered
 10 agency under the relevant Federal, State, or local
 11 law, rule of criminal procedure, or prosecutorial pol-
 12 icy; or

13 “(3) in the absence of such law, rule, or policy,
 14 for a period not less than the applicable statute of
 15 limitations or the duration of any sentence imposed,
 16 including the period of post-conviction review.

17 “(e) ADDITIONAL REQUIREMENTS FOR APPROVED
 18 VENDORS.—

19 “(1) LOCATION OF DATA.—

20 “(A) IN GENERAL.—Except as provided in
 21 subparagraph (B), each approved vendor shall
 22 ensure that any child pornography, child ob-
 23 scenity, or intimate visual depiction of a minor
 24 stored pursuant to this section remains in the
 25 United States.

1 “(B) EXCEPTION.—Child pornography,
2 child obscenity, and intimate visual depictions
3 of a minor stored under this section may be
4 transferred outside the United States only with
5 the express consent of the contracting covered
6 agency if such agency deems the transfer nec-
7 essary for investigative purposes.

8 “(2) NOTIFICATION LETTER.—

9 “(A) IN GENERAL.—Approved vendors
10 shall file a notification letter with the Criminal
11 Division of the Department of Justice not later
12 than 30 days after entering into a contract de-
13 scribed in subsection (a)(1)(B).

14 “(B) CONTENTS.—The notification letter
15 described in subparagraph (A) shall include the
16 entity name and point of contact information of
17 the approved vendor, the name of the con-
18 tracting covered agency, the period of perform-
19 ance of the contract, and an acknowledgment
20 by the approved vendor that the approved ven-
21 dor will notify the Child Exploitation and Ob-
22 scenity Section of the Criminal Division of the
23 Department of Justice of any changes to the in-
24 formation in the letter.

25 “(3) BREACH OF CONTRACT.—

1 “(A) IN GENERAL.—If a covered agency
 2 fails to make required payment under a con-
 3 tract, breaches any material term of such con-
 4 tract, or otherwise terminates such contract
 5 without establishing lawful transfer of the evi-
 6 dence, the approved vendor shall, not later than
 7 30 days after the failure, breach, or termi-
 8 nation, notify the Criminal Division of the De-
 9 partment of Justice in the case of a breach by
 10 a Federal agency, or the appropriate State at-
 11 torney general in the case of a breach by a
 12 State or local agency.

13 “(B) MAINTENANCE OF EVIDENCE.—Upon
 14 making a notification under subparagraph (A),
 15 the approved vendor shall continue to preserve
 16 and maintain the integrity of the evidence until
 17 a prompt and lawful transfer of custody occurs
 18 to the Criminal Division of the Department of
 19 Justice or another Federal, State, or local law
 20 enforcement agency with jurisdiction.

21 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-
 22 tion shall be construed to limit—

23 “(1) bona fide use by the contracting covered
 24 agency of child pornography, child obscenity, or inti-
 25 mate visual depiction of a minor being stored by the

1 approved vendor, which includes providing such child
 2 pornography or child obscenity to any other party as
 3 necessary for an investigation or prosecution; or

4 “(2) the obligation of the contracting covered
 5 agency to comply with a constitutional or statutory
 6 obligation, court order, or request from a victim
 7 made pursuant to section 3509(m)(3) of title 18,
 8 United States Code.”.

9 (b) CLERICAL AMENDMENT.—Section 1(b) of the
 10 PROTECT Our Children Act of 2008 (Public Law 110–
 11 401; 122 Stat. 4229) is amended by inserting after the
 12 item relating to section 201 the following:

“Sec. 202. Modernizing law enforcement’s ability to store child pornography,
 child obscenity, and intimate visual depictions of minors and
 limited liability for approved vendors.”.

Passed the Senate May 20, 2026.

Attest:

Secretary.

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