

119TH CONGRESS  
1ST SESSION

# S. 3023

To limit liability for certain entities storing child sexual abuse material for law enforcement agencies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2025

Mrs. BLACKBURN (for herself, Ms. KLOBUCHAR, Mr. CORNYN, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Cloud Storage  
5 Act”.

6 **SEC. 2. STORAGE OF CHILD SEXUAL ABUSE MATERIAL.**

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:

1 **“SEC. 202. MODERNIZING LAW ENFORCEMENT’S ABILITY TO**  
2 **STORE CHILD PORNOGRAPHY AND CHILD OB-**  
3 **SCENITY AND LIMITED LIABILITY FOR AP-**  
4 **PROVED VENDORS.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) APPROVED VENDOR.—The term ‘approved  
7 vendor’ means an organization, corporation, or enti-  
8 ty that—

9 “(A) offers digital storage services, includ-  
10 ing remote or cloud-based storage, and analyt-  
11 ical and forensic tool processing support; and

12 “(B) has been contractually retained and  
13 designated by a law enforcement or prosecu-  
14 torial agency based in the United States to sup-  
15 port the duties of such agency by—

16 “(i) storing digital child pornography  
17 or child obscenity;

18 “(ii) making such child pornography  
19 or child obscenity available to the con-  
20 tracting agency, or any law enforcement or  
21 prosecutorial agency designated by the  
22 contracting agency, upon request; and

23 “(iii) providing maintenance, technical  
24 and analytical assistance, and forensic tool  
25 processing support upon request by the  
26 contracting agency.

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

4           “(b) LIMITED LIABILITY FOR APPROVED VEN-  
5           DORS.—

6           “(1) LIMITED LIABILITY FOR LAW ENFORCE-  
7           MENT APPROVED VENDORS.—Except as provided in  
8           paragraph (2), a civil claim or criminal charge may  
9           not be brought in any Federal or State court against  
10          an approved vendor relating to the approved ven-  
11          dor’s performance of any contractual obligation or  
12          service described in subsection (a)(1).

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

17                   “(A) engaged in—

18                           “(i) intentional misconduct; or

19                           “(ii) negligent conduct;

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

21                           “(i) with actual malice;

22                           “(ii) with reckless disregard to a sub-  
23                           stantial risk of causing injury without legal  
24                           justification; or

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

4           “(c) **VENDOR CYBERSECURITY REQUIREMENTS.—**  
5 With respect to any visual depiction stored and available  
6 for analysis in the cloud storage service of an approved  
7 vendor, and pursuant to the duties of law enforcement in  
8 the investigation of the sexual exploitation of children, an  
9 approved vendor shall—

10                   “(1) secure such visual depiction in a manner  
11                   that is consistent with the most recent version of the  
12                   Cybersecurity Framework developed by the National  
13                   Institute of Standards and Technology, or any suc-  
14                   cessor thereto;

15                   “(2) only access the visual depictions upon con-  
16                   sent of the law enforcement or prosecutorial agency  
17                   contracting the service and for the purpose of pro-  
18                   viding maintenance, technical assistance, and foren-  
19                   sic tool processing support in the cloud;

20                   “(3) minimize the number of employees that  
21                   may be able to obtain access to such visual depic-  
22                   tion;

23                   “(4) employ end-to-end encryption for data  
24                   storage and transfer functions, or an equivalent  
25                   technological standard;

1           “(5) undergo an independent annual cybersecu-  
2           rity audit to determine whether such visual depiction  
3           is secured as required under paragraph (1); and

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

6           “(d) EVIDENCE STORAGE.—Any law enforcement or  
7           prosecutorial agency that stores evidence of child pornog-  
8           raphy and child obscenity using cloud-based or remote  
9           storage services shall retain such evidence—

10           “(1) in compliance with the security policy of  
11           the Criminal Justice Information Services of the  
12           Federal Bureau of Investigation;

13           “(2) for a period consistent with the evidence  
14           retention requirements applicable to the inves-  
15           tigating or prosecuting agency under the relevant  
16           Federal, State, or local law, rule of criminal proce-  
17           dure, or prosecutorial policy; or

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

22           “(e) ADDITIONAL REQUIREMENTS FOR APPROVED  
23           VENDORS.—

24           “(1) IN GENERAL.—Each approved vendor shall  
25           ensure that cloud-based storage and analytics of

1 child pornography and child obscenity under this  
2 section remain in the United States.

3 “(2) NOTIFICATION LETTER.—

4 “(A) IN GENERAL.—Approved vendors  
5 shall file a notification letter with the Depart-  
6 ment of Justice not later than 30 days after en-  
7 tering into a contract described in subsection  
8 (a)(1)(B).

9 “(B) CONTENTS.—The notification letter  
10 shall include the entity name and point of con-  
11 tact information of the approved vendor, the  
12 name of the contracting agency, the period of  
13 performance of the contract, and an acknowl-  
14 edgment by the approved vendor that the ap-  
15 proved vendor will notify the Department of  
16 Justice of any changes to the information in the  
17 letter.

18 “(3) BREACH OF CONTRACT.—

19 “(A) IN GENERAL.—If a law enforcement  
20 or prosecutorial agency fails to make required  
21 payment under a contract, breaches any mate-  
22 rial term of such contract, or otherwise termi-  
23 nates such contract without establishing lawful  
24 transfer of the evidence, the approved vendor  
25 shall, not later than 30 days after the failure,

1 breach, or termination, notify the Department  
2 of Justice, or in the case of a State or local  
3 agency, the appropriate State attorney general.

4 “(B) MAINTENANCE OF EVIDENCE.—Upon  
5 making a notification under subparagraph (A),  
6 the approved vendor shall continue to preserve  
7 and maintain the integrity of the evidence until  
8 a lawful transfer of custody occurs to the De-  
9 partment of Justice or another Federal, State,  
10 or local law enforcement agency with jurisdic-  
11 tion.”.

12 (b) CLERICAL AMENDMENT.—Section 1(b) of the  
13 PROTECT Our Children Act of 2008 (Public Law 110–  
14 401; 122 Stat. 4229) is amended by inserting after the  
15 item relating to section 201 the following:

“Sec. 202. Modernizing law enforcement’s ability to store child pornography  
and child obscenity and limited liability for approved vendors.”.

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