

tion service providers, remote computing service providers, or domain name registrar” in section catchline.

Subsec. (a). Pub. L. 115-395, §3(2), substituted “a provider” for “an electronic communication service provider, a remote computing service provider,” and substituted “such provider” for “such electronic communication service provider, remote computing service provider,” in two places.

Subsec. (b). Pub. L. 115-395, §3(3), substituted “provider” for “electronic communication service provider, remote computing service provider,” in two places in introductory provisions.

Subsec. (c). Pub. L. 115-395, §3(4), substituted “A provider” for “An electronic communication service provider, a remote computing service provider,” in introductory provisions and “visual depiction” for “image” wherever appearing in pars. (1) and (2).

**§ 2258C. Use to combat child pornography of technical elements relating to reports made to the CyberTipline**

(a) ELEMENTS.—

(1) IN GENERAL.—NCMEC may provide elements relating to any CyberTipline report to a provider for the sole and exclusive purpose of permitting that provider to stop the online sexual exploitation of children.

(2) INCLUSIONS.—The elements authorized under paragraph (1) may include hash values or other unique identifiers associated with a specific visual depiction, including an Internet location and any other elements provided in a CyberTipline report that can be used to identify, prevent, curtail, or stop the transmission of child pornography and prevent the online sexual exploitation of children.

(3) EXCLUSION.—The elements authorized under paragraph (1) may not include the actual visual depictions of apparent child pornography.

(b) USE BY PROVIDERS.—Any provider that receives elements relating to any CyberTipline report from NCMEC under this section may use such information only for the purposes described in this section, provided that such use shall not relieve the provider from reporting under section 2258A.

(c) LIMITATIONS.—Nothing in subsections<sup>1</sup> (a) or (b) requires providers receiving elements relating to any CyberTipline report from NCMEC to use the elements to stop the online sexual exploitation of children.

(d) PROVISION OF ELEMENTS TO LAW ENFORCEMENT.—NCMEC may make available to Federal, State, and local law enforcement, and to foreign law enforcement agencies described in section 2258A(c)(3), involved in the investigation of child sexual exploitation crimes elements, including hash values, relating to any apparent child pornography visual depiction reported to the CyberTipline.

(e) USE BY LAW ENFORCEMENT.—Any foreign, Federal, State, or local law enforcement agency that receives elements relating to any apparent child pornography visual depiction from NCMEC under subsection (d) may use such elements only in the performance of the official duties of that agency to investigate child sexual exploitation crimes, and prevent future sexual victimization of children.

<sup>1</sup> So in original. Probably should be “subsection”.

(Added Pub. L. 110-401, title V, §501(a), Oct. 13, 2008, 122 Stat. 4249; amended Pub. L. 115-395, §4, Dec. 21, 2018, 132 Stat. 5292.)

AMENDMENTS

2018—Pub. L. 115-395, §4(1), substituted “to reports made to” for “to images reported to” in section catchline.

Subsec. (a)(1). Pub. L. 115-395, §4(2)(A), substituted “NCMEC may provide elements relating to any CyberTipline report to a provider” for “The National Center for Missing and Exploited Children may provide elements relating to any apparent child pornography image of an identified child to an electronic communication service provider or a remote computing service provider” and “that provider to stop the online sexual exploitation of children” for “that electronic communication service provider or remote computing service provider to stop the further transmission of images”.

Subsec. (a)(2). Pub. L. 115-395, §4(2)(B), substituted “specific visual depiction, including an Internet location and any other elements provided in a CyberTipline report that can be used to identify, prevent, curtail, or stop the transmission of child pornography and prevent the online sexual exploitation of children” for “specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography”.

Subsec. (a)(3). Pub. L. 115-395, §4(2)(C), substituted “actual visual depictions of apparent child pornography” for “actual images”.

Subsec. (b). Pub. L. 115-395, §4(3), in heading, substituted “Providers” for “Electronic Communication Service Providers and Remote Computing Service Providers” and, in text, substituted “provider that receives elements relating to any CyberTipline report from NCMEC” for “electronic communication service provider or remote computing service provider that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children” and “shall not relieve the provider from reporting” for “shall not relieve that electronic communication service provider or remote computing service provider from its reporting obligations”.

Subsec. (c). Pub. L. 115-395, §4(4), substituted “providers” for “electronic communication service providers or remote computing service providers”, “CyberTipline report from NCMEC” for “apparent child pornography image of an identified child from the National Center for Missing and Exploited Children”, and “online sexual exploitation of children” for “further transmission of the images”.

Subsec. (d). Pub. L. 115-395, §4(5), substituted “NCMEC may” for “The National Center for Missing and Exploited Children shall”, inserted “, and to foreign law enforcement agencies described in section 2258A(c)(3),” after “local law enforcement”, and substituted “investigation of child sexual exploitation” for “investigation of child pornography” and “visual depiction reported to the CyberTipline” for “image of an identified child reported to the National Center for Missing and Exploited Children”.

Subsec. (e). Pub. L. 115-395, §4(6), inserted “foreign,” before “Federal” and substituted “visual depiction from NCMEC under subsection (d)” for “image of an identified child from the National Center for Missing and Exploited Children under section (d)” and “child sexual exploitation crimes, and prevent future sexual victimization of children” for “child pornography crimes”.

**§ 2258D. Limited liability for NCMEC**

(a) IN GENERAL.—Pursuant to its clearing-house role as a private, nonprofit organization and its mission to help find missing children, reduce online sexual exploitation of children and