

## To the office of U.S. Representative Laurel M. Lee

Re: HR 7834 (119th Congress), Safe Cloud Storage Act • Latest action (2026-09-17): Received in the Senate.

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# Safe Evidence Storage Pilot With Security and Accountability Limits

**The measure, as described from the official record:** Help law enforcement investigate online child sexual exploitation by allowing trusted storage vendors to hold and process related digital evidence without facing crushing lawsuits or prosecution for that authorized work.

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## THE PROPOSAL

The Safe Evidence Storage Improvement proposal would extend narrow liability protection to qualified vendors that store, maintain, and process digital evidence for law enforcement investigations of online child exploitation under a written contract. The official summary states the original bill would bar civil claims and criminal charges in federal and state court where vendors act within their duties, with exceptions for intentional misconduct, negligence, malice, reckless disregard, or unrelated purposes. This working alternative would keep that goal while adding tighter limits, security rules, and review.

Protection would apply only to vendors with a direct written contract with a federal, state, or local law enforcement agency for a named investigation or program. Vendors would need to pass security certification, use encrypted access controls, log access, restrict viewing to authorized staff and investigators, report breaches quickly, and follow written evidence handling rules to preserve chain of custody. The Department of Justice would publish clear baseline standards and certify compliance before protection begins.

The liability limit would not protect intentional wrongdoing, negligence, malice, reckless disregard, or work outside the contract. That line protects fair trials and the Fifth Amendment promise of due process. Victims, defendants, and the public keep the right to bring cases where a vendor misuses material or fails basic care. State agencies would choose whether to join, and nothing would force a state to use a federal vendor or change state evidence law beyond the narrow federal protection.

The program would run as a five-year pilot with a firm budget cap, annual public reports on contracts, breaches, costs, and case effects, plus inspector review. Congress would need to vote again to continue it. Spending would come from existing Justice Department funds. This structure supports strong child protection and careful law enforcement work while keeping federal power limited, costs controlled, and rights secure.

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## OPERATIVE PROVISIONS (VFA PROPOSAL)

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|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Effective Date</b>        | 180 days after enactment to allow security standards and contracts to be updated                                                                                                                                                                      |
| <b>Enforcement Mechanism</b> | Liability protection applies only with a written agency contract and certified security controls; misconduct exceptions allow civil and criminal cases to proceed, agencies may suspend noncompliant vendors, and courts retain review of eligibility |
| <b>Funding Amount</b>        | Up to \$15 million per year in existing Justice Department funds for security certification and oversight, with no new open-ended spending                                                                                                            |
| <b>Funding Source</b>        | Existing Department of Justice appropriations for law enforcement assistance and victim protection programs                                                                                                                                           |
| <b>Oversight Body</b>        | Department of Justice with annual public reporting to Congress and review by agency inspectors general                                                                                                                                                |
| <b>Sunset Years</b>          | 5 years                                                                                                                                                                                                                                               |

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## CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3
- Article I, Section 8, Clause 18
- Fifth Amendment Due Process
- Tenth Amendment

## Concerns with the measure as written:

- Extending liability limits to vendors working with federal, state, and local agencies must rest on a clear enumerated power and avoid displacing state criminal and civil law beyond what is necessary.
  - Due process requires that stored material be handled as evidence with chain-of-custody and access controls so prosecutions and defense rights remain fair.
  - Federalism requires that state and local agencies keep control over contracting choices and evidence retention decisions.
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## WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

VFA assesses this draft honors Democratic priorities for stronger protection of children and support for law enforcement investigations of exploitation, paired with required cybersecurity and evidence safeguards. It honors Republican priorities for limited federal power, clear liability limits tied to lawful contracts, fiscal restraint through a capped pilot, and protection of due process and state court authority through defined exceptions for misconduct.

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## CHECK BEFORE RELYING ON THIS

**Basis:** The Congress.gov summary of H.R. 7834 in the 119th Congress states the goal, the current role of the National Center for Missing and Exploited Children CyberTipline, the existing liability limit for vendors working with that center, the proposed extension to vendors under contract with federal, state, and local law enforcement, the misconduct exceptions, and the new cybersecurity and evidence storage duties.

The official summary does not include the full bill text, definitions, current law citations, contract terms, security standards, retention periods, appeal rights, cost effects, or statutory conflicts;

readers should verify those points in the full bill text at the official Congress.gov page before relying on this draft.

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