



NATIONAL CENTER ON SEXUAL EXPLOITATION

Federal Legislative Priorities for the 118th Congress to Address Online Child Sexual Exploitation and Child Sexual Abuse Material

EARN IT Act (Eliminating Abusive and Rampant Neglect of Interactive Technologies Act)

[S 1207](#), Sens. Graham (R-SC) & Blumenthal (D-CT): + 21 co-sponsors [13 Rep, 8 Dem] - *Passed Senate Judiciary Committee on May 15, 2023*

[HR 2732](#), Reps. Wagner (R-MO) & Garcia (D-TX): + 19 co-sponsors [17 Rep, 2 Dem]

- Clarifies Congress never intended CDA 230 to give ISPs blanket immunity from liability for facilitating CSAM—as US courts have unfortunately ruled.
- Gives victims of CSAM a path to justice and hold platforms accountable that *knowingly* allow for the distribution and sharing of child sexual abuse material.
- Renames “child pornography” to “child sexual abuse material” in federal statute, which clarifies this content as crime scene documentation.
- Enhances tools for the National Center on Missing and Exploited Children (NCMEC) and requires reporting of child sex trafficking and online enticement.
- Creates a federal Online Child Exploitation Prevention Commission to establish best practices and recommendations to inform policy, the judiciary, and law enforcement community (**SENATE ONLY**).

Kids Online Safety Act (KOSA)

[S 1409](#), Sens. Blumenthal (D-CT) & Blackburn (R-TN): + 42 co-sponsors [21 Rep, 21 Dem] - *Passed Senate Commerce Committee on July 27, 2023*

- Requires social media companies provide safeguards and tools for minors and parents and enable the strongest safety settings by default.
- Creates a duty of care for online platforms to prevent and mitigate harms to children.
- Creates a transparency standard by providing academic and public interest groups access to platforms data to review the harms identified and platforms responses.

Project Safe Childhood Act

[S 1170](#), Sens. Cornyn (R-TX) & Klobuchar (D-MN): +17 co-sponsors [9 Dem, 8 Rep] - *Passed Senate Judiciary Committee on May 15, 2023*

[HR 2661](#), Reps Wasserman Schultz (D-FL) & Hunt (R-TX): +5 co-sponsors [4 Rep, 1 Dem]

- Modernizes DOJ’s Project Safe Childhood Program to address child sexual exploitation
- Require U.S. Attorneys to create high-priority, victim-centered, and district-specific targeting plans for federal law enforcement to identify perpetrators abusing children.
- Requires the U.S. Attorney General to develop and disseminate best practices for addressing cases of child sexual abuse and exploitation.
- Improves coordination with the Internet Crimes Against Children (ICAC) Task Forces and local and state law enforcement.
- Provides funding for 20 DOJ prosecutors dedicated to child sexual exploitation cases.

REPORT Act (Revising Existing Procedures On Reporting via Technology Act)

[S 474](#), Sens Blackburn (R-TN) & Ossoff (D-GA): +1 co-sponsor [1 Rep] - *Passed Senate Judiciary Committee on June 6, 2023*

- Requires platforms to report child sex trafficking and enticement, two crimes not currently required that are underreported.
- Increases penalties for platforms for failure to report exploitive content.

- Extends the retention period required of platforms from 90 days to 1 year to allow for adequate time for law enforcement to conduct investigations.

STOP CSAM Act (Strengthening Transparency and Obligations to Protect Children Suffering from Abuse and Mistreatment Act)

[S 1199](#), Sens Durbin (D-IL): +3 co-sponsors [3 Rep] - *Passed Senate Judiciary Committee on May 15, 2023*

- Extends statutory provisions to include child victims of kidnapping and mandates child privacy protections continue to apply even after a victim is 18 years of age.
- Gives courts the authority to appoint trustees to manage victim restitution funds.
- Strengthens NCMEC's CyberTipline by requiring a report whenever a provider finds CSAM, *regardless* of whether the provider believes a violation has occurred.
- Mandates providers report exploitive content within 60 days of becoming aware of content, and they must remove publicly available CSAM that is the subject of a report.
- Establishes a Child Online Protection Board to facilitate the removal of CSAM.

Preventing Child Sex Abuse Act

[S 724](#), Sens Grassley (R-IA) & Ossoff (D-GA): +2 co-sponsors [1 Dem, 1 Rep] - *Passed Senate on March 8, 2023; Approved as part of Senate NDAA package July 27, 2023*

[HR 454](#) Reps Burchett (R-TN): +1 co-sponsors [1 Dem]

- Makes changes to the federal law prohibiting child sexual tourism.
- Revises the specific intent requirement to one which requires proof of intent to engage in illicit sexual conduct when traveling or facilitating travel.
- Establishes new criminal offenses for acts in furtherance of illicit sexual conduct by an officer, director, employee, or agent of an organization through his or her connection to or affiliation with the organization.
- Specifies that the term sexual activity for which any person can be charged with a criminal offense does not require interpersonal physical contact.

Child Online Safety Modernization Act (COSMA)

[HR 5182](#), Reps Wagner (R-MO) & Garcia (D-TX): + 7 co-sponsors [7 Rep]

- Modernizes and strengthens NCMEC's CyberTipLine by requiring online platforms to file a report whenever a provider finds CSAM, and requires those reports to include information that helps law enforcement identify and locate the child depicted.
- Extends the retention period required of platforms from 90 days to 1 year to allow for adequate time for law enforcement to conduct investigations.
- Renames "child pornography" to "child sexual abuse material" in U.S. federal code, which clarifies this content as crime scene documentation.

Please contact Eleanor Kennelly Gaetan, NCOSE Vice President & Director of Public Policy with questions at ekgaetan@ncose.com

Last Updated: August 11, 2023