

EXECUTIVE SUMMARY

In 2008, Congress took important steps to address online sexual exploitation and abuse of children (OSEAC) issues by passing the PROTECT Our Children Act of 2008 (P.L. 110-401), which provided the groundwork for the U.S. Government response to OSEAC. The bill authorized the Internet Crimes Against Children (ICAC) task forces, established a Special Counsel for Child Exploitation Prevention and Interdiction in the Department of Justice's (DOJ) Office of the Deputy Attorney General and directed DOJ to publish an annual National Strategy for Child Exploitation Prevention and Interdiction, among other provisions to strengthen enforcement efforts. **Unfortunately, this bill has only been partially implemented**, as reported in the New York Times investigative series published in September 2019.¹ Meanwhile, the National Center for Missing and Exploited Children (NCMEC) CyberTipline² has received more than 86 million reports of suspected child sexual exploitation since 1998 when it was established. In the last year alone, NCMEC received 21.7 million reports, up 28 percent from 16.9 million reports in 2019.

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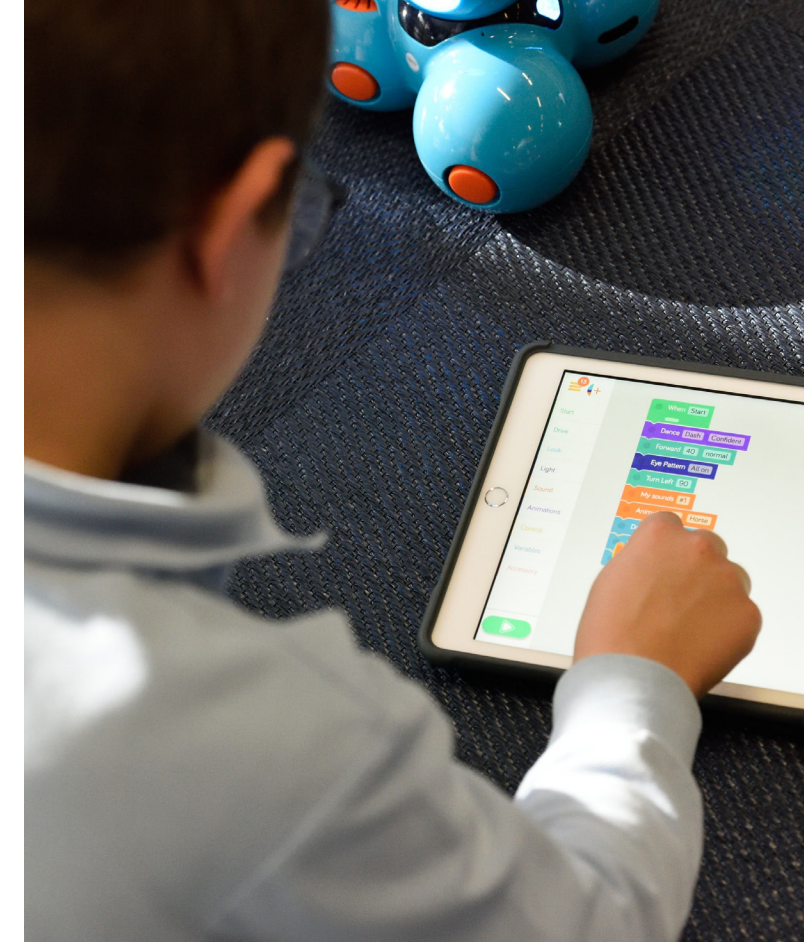
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The New York Times investigative series caught the attention of many members of Congress and renewed their commitment to ending OSEAC issues. As such, in the current Congress, **there is the political will to address both needed legislative changes as well as a willingness to increase resources directed towards OSEAC efforts.** To capitalize on this moment and inform a potential advocacy strategy for the newly formed Ending OSEAC Coalition, led by ChildFund International, this report details U.S. Government efforts and response to OSEAC issues, including enacted laws, proposed legislation from the 115th-117th Congresses, appropriations since FY 2006, Congressional hearings since the 115th Congress, and U.S. agency efforts to make recommendations for actions to be taken by the Coalition.

As a result of the desk research and interviews conducted, the following recommendations emerged as opportunities for collective action.



RECOMMENDATION 1: ADVOCATE FOR INCREASED APPROPRIATIONS

The programs within the Missing and Exploited Children programs funding all require more resources to deal with how quickly OSEAC issues are increasing. The two largest programs within this funding stream—NCMEC and the ICACs—rely on each other. As the number of reports to NCMEC's CyberTipline grows, so do the number of potential investigations that the ICACs need to respond to. Conversely, as the number of investigations that the ICACs conduct increases, the number of victims and survivors that need services also grows. Child advocacy centers (CACs) are also well-placed to provide services to the growing number of victims of OSEAC, though they are already overwhelmed by the current demand for services. Increasing services available through the Missing and Exploited Children programs, as well as increasing the funding available for local CACs that serve victims of OSEAC is critical to any victim-centered and trauma-informed enforcement and response strategy.

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¹ Keller, Michael H. and Gabriel J.X. Dance, *The Internet is Overrun with Images of Child Sexual Abuse. What Went Wrong?*, New York Times, September 29, 2019.

² See National Center for Missing and Exploited Children, available at: <https://www.missingkids.org/gethelpnow/cybertipline>.



RECOMMENDATION 2: SUPPORT THE END CHILD EXPLOITATION ACT

Significant legislative changes are needed to improve the U.S. Government's OSEAC enforcement response. With the current political landscape in mind, **one important legislative improvement is addressed in the END Child Exploitation Act (S.365/H.R.1198)**, which expands the time that electronic communication service and remote computing service providers are required to keep the contents of reports they make to the CyberTipline from 90 days to 180 days. This small change could be a significant help to law enforcement. Given the limited resources available to investigate these crimes and the increasing number of reports submitted to the CyberTipline, law enforcement often cannot begin an investigation within the 90-day timeframe.

Long term, there is robust support within the NGO community for the **EARN It Act** (Eliminating Abusive and Rampant Neglect of Interactive Technologies Act of 2020; S. 3398/ H.R. 8454), which was introduced in the 116th Congress with an expectation that it will be reintroduced in the 117th Congress. The current text of this bill takes a comprehensive approach to enforcement challenges by amending section 230 of the Communications Decency Act (47 U.S.C. § 230) to remove liability protections for technology companies that operate platforms that host CSAM. It would also establish a national commission that would include law enforcement, representatives from victim service providers, technology companies and technical experts.

In addition to improving enforcement, **the U.S. approach to combating OSEAC needs to also focus on improving services for victims and survivors**, as well as prevention programs that address vulnerable populations. The Invest in Child Safety Act (S.223/ H.R.807), which establishes the Office to Enforce and Protect Against Child Sexual Exploitation in the Executive Office of the President, establishes the Child Sexual Exploitation Treatment, Support, and Prevention Fund, and authorizes \$5 billion in funding over ten years for enforcement efforts as well as dedicated funding for victim services. It may be worth subsuming some of the funding from this bill into the Coalition's FY 2023 appropriations requests.

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RECOMMENDATION 3: PRESS THE BIDEN ADMINISTRATION TO DESIGNATE A SENIOR OFFICIAL TO OVERSEE THE U.S. GOVERNMENT RESPONSE TO OSEAC

Lastly, many offices are working towards ending OSEAC within the U.S. Government, but inter-agency coordination on OSEAC issues could be better streamlined. **Pressing the Biden Administration to appoint a coordinator within the White House Domestic Policy Council** who could elevate the priority of OSEAC issues across the government, as well as coordinate efforts and allocate resources in a whole-of-government approach would be an important step towards catching up with the fast-growing pace of the crime.

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