



## NATIONAL CENTER ON SEXUAL EXPLOITATION

### Federal Legislative Priorities for the 118<sup>th</sup> 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): + 23 co-sponsors [13 Rep, 10 Dem] - *Passed Senate Judiciary Committee on May 15, 2023*

[HR 2732](#), Reps. Wagner (R-MO) & Garcia (D-TX): + 26 co-sponsors [23 Rep, 4 Dem]

- Clarifies Congress never intended CDA 230 to give internet platforms 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” “child sexual abuse material” in federal statute.
- 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): + 64 co-sponsors [32 Rep, 31 Dem, 1 Ind] - *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.
- Establishes 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): + 18 co-sponsors [9 Dem, 9 Rep] - *Passed Senate Judiciary Committee on May 15, 2023; PASSED Senate on October 24, 2023*

[HR 2661](#), Reps Wasserman Schultz (D-FL) & Hunt (R-TX): + 6 co-sponsors [4 Rep, 2 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 best practices for addressing these cases
- Improves LE coordination with the Internet Crimes Against Children (ICAC) Task Forces
- Provides funding for 20 DOJ prosecutors dedicated to child sexual exploitation cases.

#### **DEFIANCE Act (Disrupt Explicit Forged Images And Non-Consensual Edits)**

[S.3696](#), Sens Durbin (D-IL) & Graham (R-SC): + 2 co-sponsors [1 Dem, 1 Rep]

- Updates current “disclosure of intimate images law” to include all types of deepfake pornography, including images and videos generated by artificial intelligence
- Includes a provision preserving privacy for victims, including the use of a pseudonym, redaction, and protective order during discovery
- Targets the acts of the uploader, and provides civil right of action against an individual for the production and disclosure of images.

### SHIELD Act (Stopping Harmful Image Exploitation and Limiting Distribution Act)

[S 412](#), Sens Klobuchar (D-MN) & Cornyn (R-TX): + 6 co-sponsors [3 Dem, 3 Rep] - *Passed Senate Judiciary Committee on May 17, 2023*

[HR 3686](#), Reps Dean (D-PA) & Plaskett (D-VI): +6 co-sponsors [3 Rep, 3 Dem]

- Establishes a criminal offense to knowingly mail or distribute, or threaten to distribute an intimate visual depiction of an individual without their consent
- Establishes a criminal offense for the distribution of a visual depiction of a nude minor with the intent to abuse, humiliate, harass, or degrade the minor to arouse any person.
- Subjects a violator to a fine, prison term of five years, or both.

### REPORT Act (Revising Existing Procedures on Reporting via Technology Act)

[S 474](#), Sens Blackburn (R-TN) & Ossoff (D-GA): + 4 co-sponsors [3 Rep, 1 Dem] - *Passed Senate Judiciary Committee on June 6, 2023; PASSED Senate on December 14, 2023*

[HR 5082](#), Reps Lee (R-FL) & Lee (D-NV): +9 co-sponsors [6 Rep, 3 Dem]

- Requires platforms to report child sex trafficking enticement, two crimes currently 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.

### Child Online Safety Modernization Act (COSMA)

[HR 5182](#), Reps Wagner (R-MO) & Garcia (D-TX): + 31 co-sponsors [26 Rep, 5 Dem]

- 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.
- Renames "child pornography" "child sexual abuse material" in U.S. federal code.

### Stop Human Trafficking in School Zones Act

[HR 30](#), Reps Jackson Lee (D-TX) & McCaul (R-TX): + 7 co-sponsors [5 Rep, 2 Dem]

- Provides necessary protections for children in public spaces, including schools, school-sponsored activities, playground, or public housing facility.
- Enhances the sentencing penalty by up to five years for human trafficking offenses and sex offenses involving minors that occur within 1000 feet of a school, or 100 feet of places where children gather.

### Trafficking Survivors Relief Act of 2024

[HR 7137](#), Reps Russell Fry (R-SC) & Lieu (D-TX): + 20 co-sponsors [13 Rep, 7 Dem]

- Provides necessary relief to survivors of human trafficking by establishing vacatur for crimes committed that were the direct result of being trafficked, which leads the way for states to establish vacatur.
- Eliminates barriers by removing all legal fees related to filing a motion for vacatur and requires sealing when a human trafficking defense is made in a legal proceeding.

*Please contact Eleanor Kennelly Gaetan, NCOSE Director of Public Policy: [ekgaetan@ncose.com](mailto:ekgaetan@ncose.com)*