

STOP CSAM Act of 2023

Senate Judiciary Chair Dick Durbin (D-IL)

The *STOP CSAM Act* is a comprehensive response to online child sexual exploitation, which continues to increase at an alarming rate. From March 2009 to February 2022, the number of victims identified in child sexual abuse material (CSAM) rose *almost ten-fold*, from 2,172 victims to over 21,413 victims. From 2012 to 2022, the volume of reports to the National Center for Missing & Exploited Children's CyberTipline concerning child sexual exploitation increased by *a factor of 77* (415,650 reports to over 32 million reports). To combat this horrific crime, the legislation supports victims and increases accountability and transparency for online platforms.

Child Victim Protection Measures

Mandatory child abuse reporting. The bill expands provisions in federal law that require certain youth athletic programs to report child abuse, applying this requirement to all programs that receive federal grants of more than \$10,000 within a year to provide service to children. It also creates a supplemental grant program that provides additional funds to the Internet Crimes Against Children Task Forces in states that have robust child abuse reporting laws that apply to organizations that provide services to children.

Expanded protections for child victims and witnesses in federal court. The bill makes various reforms, including enhancing special privacy protections available for certain child victims and witnesses in federal criminal prosecutions.

Facilitating restitution for victims of child exploitation, human trafficking, sexual assault, and crimes of violence. The bill creates a statutory framework to permit courts to appoint a trustee to manage restitution payments for certain vulnerable victims of these offenses. The legislation authorizes funds to pay for the trustees, as well as court-appointed guardians ad litem.

Report and Remove. The bill empowers victims by making it easier for them to ask tech companies to remove child sexual abuse material and related imagery from their platforms and by creating an administrative penalty for the failure to comply with a removal request.

Accountability and Transparency for the Tech Industry

Civil Cause of Action. The bill expands the federal civil cause of action for victims of child victims to also permit victims of online child sexual exploitation to bring a civil cause of action against tech platforms and app stores that promoted or facilitated the exploitation.

CyberTipline Revisions. The bill strengthens current CyberTipline reporting requirements, including by removing tech companies' discretion as to whether to report a planned or imminent child exploitation offense, and requiring that certain basic information be included in a CyberTip.

Provider Transparency. The bill would require large tech companies that are subject to the CyberTipline statute to submit annual reports describing their efforts to promote a culture of safety for children on their platform.

Accountability Measures. The legislation further amends the CyberTipline statute to provide a variety of tools to promote compliance with the statute's mandates. It also creates a new criminal provision prohibiting the use of tech platforms to promote or facilitate online child sexual exploitation.

Endorsements: Supporters of the STOP CSAM Act include the National Center for Missing and Exploited Children, National Children's Alliance, ChildUSA, ECPATUSA, Raven, Child Rescue Coalition, Hope for Justice, the National District Attorney's Association, and the Youth Power Project.