

# Recent Events

## Senate Judiciary Hearing:

### Big Tech and the Online Child Sexual Exploitation Crisis

Jan 31, 2024

- 5 Big Tech CEOs (Meta, TikTok, X, Snap, and Discord) testified in a Senate committee on their failure to protect children online.

The CEOs of X, Snap, and Discord had to be subpoenaed to testify after repeatedly refusing to show up.

- Big Tech companies have no incentive to address the rampant proliferation of child sexual abuse material (CSAM) and many other harms on their platforms because they possess undeserved blanket liability protection via an outdated law that was passed at the inception of the internet, the Communications Decency Act, Section 230 (CDA 230).
- How is it that Big Tech has no regulatory body and no liability to keep them accountable like every other American industry?!
- Open up the courtroom to these platforms and let them stand by their product if they think they are doing enough to protect kids.

U.S. SENATE COMMITTEE ON THE  
**JUDICIARY**



Since the Senate Judiciary Committee's [hearing](#) on this issue in February, the Committee has reported multiple bipartisan bills to help stop the exploitation of kids online, including:

- The [STOP CSAM Act](#), which supports victims and increases accountability and transparency for online platforms;
- The [EARN IT Act](#), which removes tech's blanket immunity from civil and criminal liability under child sexual abuse material laws and establishes a National Commission on Online Child Sexual Exploitation Prevention;
- The [SHIELD Act](#), which ensures that federal prosecutors have appropriate and effective tools to address the nonconsensual distribution of sexual imagery;
- The [Project Safe Childhood Act](#), which modernizes the investigation and prosecution of online child exploitation crimes; and,
- The [REPORT Act](#), which combats the rise in online child sexual exploitation by establishing new measures to help strengthen reporting of those crimes to the CyberTipline.

# Recent Events

## House Judiciary Hearing:

### A Voice for the Voiceless: CSAM Identification

March 6, 2024

- Examined joint efforts among federal, state, international entities, and NGO partners that are essential for the identification and recovery of CSAM (Child Sexual Abuse Materials) victims.
- Has inspired the House Judiciary to markup the [REPORT Act, HR 5082](#). While the Judiciary Committee intends to markup Report Act with the language from the Senate redline pertaining to encryption, some members are pushing back on marking up this important legislation. (The language around end to end encryption is related to the duties of ISPs that host CSAM, and this language is more flushed out in the Senate version.)

# Federal bills we support

- [STOP CSAM Act \(S.1199\)](#) – Expands civil remedies for victims of online sexual exploitation. Requires removal of related exploitive visual depictions.
- [EARN IT Act \(S.1207; HR 2732\)](#) –Removes tech's blanket immunity from civil and criminal liability under child sexual abuse material (CSAM) laws; in other words, gives victims of CSAM the right to sue digital platforms that knowingly circulate criminal content, giving victims a chance to restore privacy. Establishes a National Commission on Online Child Sexual Exploitation to monitor potential online harms. Gives new tools to NCMEC. Replaces "child pornography" with "child sexual abuse material" in federal law.
- [SHIELD Act \(S.412\)](#) - ensures that federal prosecutors have appropriate and effective tools to address the nonconsensual distribution of sexual imagery. In other words, makes Image Based Sexual Abuse a crime, thus addressing the rampant spread of AI-generated pornography, aka “deepfake” pornography online.

# Federal bills we support

- [Project Safe Childhood Act \(S.1170; HR 2661\)](#) –Modernizes DOJ’s Project Safe Childhood Program to enhance law enforcement’s investigation and prosecution response to online child exploitation crimes.
  - Passed the Senate Oct 2023.
- [REPORT Act \(S.474; HR 5082\)](#) – Improves NCMEC’s CyberTipline by requiring reporting of child sex trafficking and enticement (grooming). Extends retention period of reported material to one year, giving law enforcement more time to conduct investigations (current retention is 90 days).
  - The House Judiciary Committee hearing, “[A Voice for the Voiceless: CSAM Identification](#)” has inspired House Judiciary to markup the REPORT Act (HR. 5082).
  - **Action item: Contact our Representatives in the House to ask them to co-sponsor this bill:**
    - [Congressman Matthew Rosendale](#) - Representative for Montana’s 2nd Congressional District covering counties in eastern Montana including the cities of Billings, Helena, and Great Falls.
    - [Congressman Ryan Zinke](#) - Representative for Montana’s 1st Congressional District covering 16 counties in western Montana including the cities of Bozeman, Butte, Missoula, Kalispell.

# Federal bills we support

- [DEFIANCE Act \(S.3696\)](#), which was newly [introduced](#) on January 30, 2024, by Sens. Durbin (D-IL) and Graham (R-SC), seeks to establish a federal civil remedy for victims of AI-generated pornography, which will address the explosion of AI-generated pornography on the internet.
- [KIDS ONLINE SAFETY Act \(KOSA, S. 1409\)](#): creates a legally relevant “duty of care” requiring online apps and platforms to center the needs of children; requires more social media safeguards for children; and provides parents with tools to protect kids.

*A new draft was released last month (Feb) by the sponsors, which has increased the co-sponsors to 65 Senators, including Senate Majority Leader Chuck Schumer (D-NY). (Senator Daines has been a cosponsor for some time, but despite all our advocacy, Senator Tester will not cosponsor.)*

- **Action item: Contact our Representatives in the House to ask them to co-sponsor KOSA when KOSA hits the House:**
  - [Congressman Matthew Rosendale](#) - Representative for Montana’s 2nd Congressional District covering counties in eastern Montana including the cities of Billings, Helena, and Great Falls.
  - [Congressman Ryan Zinke](#) - Representative for Montana’s 1st Congressional District covering 16 counties in western Montana including the cities of Bozeman, Butte, Missoula, Kalispell.

# Federal bills we support

- **Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act (HR. 5856)**

- Reauthorizes important programs to provide grants, housing, and more to victims of trafficking.
- Passed the House on February 13, 2024. 23 co-sponsors.

- **Trafficking Survivors Relief Act (HR. 7137)**

- Would establish vacatur for survivors of trafficking at the federal level.
- 21 co-sponsors.
- Many orgs, including the YHTTF, signed a support letter. → → →
- Action Item: Join a virtual TSRA briefing and advocacy action meeting from 1:00- 1:30pm EDT on April 3<sup>rd</sup>.  
Zoom information available upon request.
- Action Item: Please contact our representatives and ask them to co-sponsor.

February 28, 2024

The undersigned non-governmental organizations (NGOs) and anti-trafficking leaders who work to end human trafficking, write in support of H.R. 7137, the Trafficking Survivors Relief Act of 2024 (TSRA) introduced by Representatives Fry (R-SC) Rep. Lieu (D-CA) and Rep. Ann Wagner (R-MO) in the House of Representatives. A companion bill is pending introduction in the Senate.

The Trafficking Survivors Relief Act of 2024 provides relief to trafficking survivors who have been unjustly criminalized as a result of their trafficking victimization. Too often, trafficking victims are arrested and convicted of criminal offenses directly related to their victimization.[1] Though many states have a statute for human trafficking survivors to access relief from criminal records which resulted from trafficking, there is currently no legal framework at the federal level for trafficking survivors to either avoid unjust criminalization at the outset and/or address the harmful effects of having been charged and convicted of crimes resulting from their victimization. The TSRA helps to address both of those gaps.

The legislation would allow survivors of human trafficking with federal records for certain crimes committed as a direct result of their trafficking situation to vacate convictions and expunge arrest records.[2] It would also allow for an affirmative defense for victims of human trafficking to assert at the outset of the criminal justice process. Finally, the bill would expressly permit Department of Justice (DOJ) grants to allow for legal representation for survivors including proceedings related to vacatur, expungement and other post-conviction relief measures.

Many survivors have a criminal record as a result of being trafficked. This criminal record impedes survivors from moving forward with their lives, including impacting opportunities for employment, housing and rental applications, loans for higher education, and purchasing their own home. This legislation recognizes the injustice of leaving trafficking survivors to carry convictions for crimes that resulted from their victimization, and instead creates a pathway for survivors to continue their journey of healing and restoration.

As sex trafficking survivor and advocate Julie Whitehead stated, "My trafficker forced me into situations where I easily could have been arrested, but I complied because I knew it was a matter of life and death. I knew if I didn't do exactly what my trafficker told me, he would make good on his threats and kill me or someone I loved. This bill would be life-changing for victims and survivors of trafficking. Almost every decision we make is to help us survive, and we should not be punished or held accountable for having made the decision to live."

This is one of many testimonies from survivors and advocates demonstrating why survivors need a

- **Enhancing Detection of Human Trafficking Act (HR. 443)**

- Directs the Secretary of Labor to conduct training at the Department of Labor (DOL) to combat human trafficking, required in states with significant increases in oppressive child labor, as tracked by the DOL.
- Passed the House (407-0)

# Age Verification Stands in Court

- The [March 7, 2024 Fifth Circuit ruling](#) in Texas **declared Age Verification constitutional** and overruled the District Court's ruling which had initially struck down the Texas age verification law. This is the first case that has dealt with Age Verification on pornography platforms since [Ashcroft vs. ACLU \(2004\)](#), when the court initially overturned age verification. **As a result of age verification legislation, [Pornhub has now been shut down in EIGHT states](#): Texas, Arkansas, Louisiana, Mississippi, Montana, North Carolina, Utah, Virginia.**

Now, the question is, will Big Tech appeal to the Supreme Court, or allow this ruling to stand?

- There are 12 lawsuits against Pornhub's parent company across the US, UK, and Canada on behalf of 257 victims.
- Important pending legislation (including [Nebraska LD. 1096](#)) seeks to require pornography distributors to obtain age and consent verification of those depicted in videos by holding them liable under the Uniform Deceptive Trade Practices Act.

# Recent Events

## Sex Trafficking Demand Reduction Symposium

hosted by the National Center on Sexual Exploitation

February 29, 2024



### 4-element plan to combat the sex trade: (Sheriff Tom Dart, Cook County Sheriff)

#### 1. **Go after Demand**

- a. **Utilize AI** (Bob Rodgers, Pres and CEO of StreetGrace; "Transaction Intercept" technology)
  - i. Multiply LE resources via AI bots interfacing with many potential sex buyers simultaneously
  - ii. Msg warning the person about felony for sex buying and providing resources for unwanted sexual behavior
- b. **All the sex buyers pled guilty in every case, so they weren't accruing court costs**
- c. **Upon conviction:**
  - i. fines (with the fines going into a survivor's fund)
  - ii. towing vehicles & charging for the recovery
  - iii. requiring sex buyer intervention program enrollment/completion
  - iv. loss of employment (felony)
  - v. identity disclosure
- d. **Prevent the development of abusers by addressing pornography consumption** (how it affects the sexual template)

#### 2. **Work with/treat survivors**

#### 3. **Go after people who proliferate this crime on the internet**

#### 4. **Arrest pimps/traffickers**