

September 13, 2023

The Honorable Andy Biggs  
Chairman  
House Judiciary Committee  
Subcommittee on Crime and  
Federal Government Surveillance  
2138 Rayburn House Building  
Washington, DC 20515

The Honorable Sheila Jackson Lee  
Ranking Member  
House Judiciary Committee  
Subcommittee on Crime and  
Federal Government Surveillance  
2138 Rayburn House Building  
Washington, DC 20515

Dear Chairman Biggs and Ranking Member Lee,

The Ending Online Sexual Exploitation and Abuse of Children (OSEAC) Coalition submits this statement for the record for the House Judiciary Committee, Subcommittee on Crime and Federal Government Surveillance hearing on "Children are Not for Sale: Examining the Threat of Exploitation of Children in the U.S. and Abroad". The Ending OSEAC Coalition is a U.S. advocacy coalition of 29 organizations dedicated to advocating for federal policies and programs to improve prevention and address the online child sexual exploitation and abuse crisis.

According to a study from the Journal of the American Medical Association, one in six people were victims of online child sexual abuse before the age of 18.<sup>1</sup> We have especially seen an increase of online child sexual exploitation and abuse since the COVID-19 pandemic. In 2019, the National Center for Missing & Exploited Children (NCMEC) received 16.9 million reports of child sexual abuse materials (CSAM) to their CyberTipline<sup>2</sup>. In 2022, just three years later, this number nearly doubled to over 32 million reports, marking the highest number of reports

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<sup>1</sup>Finkelhor, D., Turner, H., & Colburn, D. (2022). Prevalence of online sexual offenses against children in the US. *JAMA Open network*, 5(10), e2234471. doi:10.1001/jamanetworkopen.2022.34471

<sup>2</sup> 2019 CyberTipline reports by country - national center for missing ... (n.d.).

<https://www.missingkids.org/content/dam/missingkids/pdfs/2019-cybertipline-reports-by-country.pdf>

ever received in one year.<sup>3</sup> Unfortunately, thousands of child victims seen in these illicit images and videos have yet to be identified.

In addition, sextortion is an emerging form of online child sexual exploitation that occurs on many gaming and social media platforms. Sextortion is threatening an individual with the dissemination of sexual/intimate images/videos to coerce the victim into providing additional intimate/sexual materials or money and/or other forms of payment to the extorter. An analysis by the Canadian Centre for Child Protection revealed that children, especially boys, are increasingly being targeted for sextortion on Instagram and Snapchat.<sup>4</sup> Due to the global connectivity these platforms provide, perpetrators may be located internationally. This means that perpetrators across the globe have access and the ability to victimize children in the U.S. We saw this recently in Michigan when a teenage boy died by suicide after being sextorted via Instagram by perpetrators located in Nigeria. The perpetrators allegedly used Instagram accounts to pose as young women to lure teenage boys and young men<sup>5</sup>. Congressional action is essential in ensuring children are protected online and that technology companies play their appropriate role in doing so.

Therefore, the Ending OSEAC Coalition recommends that the House Judiciary Committee, Subcommittee on Crime and Federal Government Surveillance prioritizes the passage of bills such as the Eliminating Abusive and Rampant Neglect of Interactive Technologies (EARN IT) Act and the Child Online Safety and Modernization Act (COSMA). The EARN IT Act incentivizes technology companies to address online sexual exploitation of children by amending the Communications Decency Act Section 230 and allowing federal civil claims against interactive computer services, and criminal and civil enforcement of similar state statutes under existing standards. COSMA requires that when internet service providers (ISPs) submit reports of CSAM and online child sexual exploitation to the NCMC CyberTipline to include information that would help law enforcement identify and locate the children depicted in CSAM and the perpetrators distributing these materials. Currently, the federal law requires ISPs to report

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<sup>3</sup> National Center for Missing and Exploited Children, "EARN IT Act of 2022," *National Center for Missing and Exploited Children*, January 8, 2022. <https://www.missingkids.org/blog/2022/earn-it-act-2022>

<sup>4</sup> *Boys aggressively targeted on Instagram and Snapchat, analysis of CyberTipline.ca Data shows*. protectchildren.ca. (n.d.). Retrieved September 9, 2022, from <https://www.protectchildren.ca/en/press-and-media/news-releases/2022/sextortion-data-analysis>

<sup>5</sup> NBCUniversal News Group. (2023, August 14). *Nigeria hands over two suspects in sextortion case linked to suicide of Michigan High School Athlete*. NBCNews.com.

<https://www.nbcnews.com/politics/justice-department/us-extradites-nigerians-sextortion-linked-suicide-michigan-teen-rcna99795>

CSAM to the NCMEC CyberTipline when they are made aware of its existence on their platforms. However, there are no requirements for the type of information that must be reported. Many reports are inactionable and law enforcement are unable to properly conduct an investigation. COSMA ensures that law enforcement receives the information necessary to investigate these cases. In addition, COSMA requires ISPs to preserve the contents of these reports for one year as opposed to the current 90 days requirement. This will provide law enforcement more time to pursue these cases.

In addition, because of the lack of necessary information to investigate and pursue offenders and the overwhelming number of reports, law enforcement are unable to engage in proactive investigations. Also, due to limited resources and a lack of well-defined criteria for the prioritization of cases, it is increasingly impossible for law enforcement to keep up with the rate of children seen in these images that need to be removed from harm. Therefore, the Ending OSEAC Coalition recommends that the Subcommittee also marks up the Project Safe Childhood Act. This bill requires the U.S. Attorney General to develop and disseminate best practices to the field for the prioritization of cases. The bill also requires each U.S. Attorney to develop a victim-centered, district specific targeting plan for identifying offenders committing hands-on offenses.

We applaud the House Judiciary Committee, Subcommittee for Crime and Federal Government Surveillance for holding such a critical hearing and hope to see this Congress pass the necessary legislation to address online harms to children, including online sexual abuse and exploitation.

Sincerely,

The Ending Online Sexual Exploitation and Abuse of Children Coalition

CC: Honorable Members of the House Judiciary Committee, Subcommittee for Crime and Federal Government Surveillance