

117TH CONGRESS  
1ST SESSION

# H. R. 5884

To direct the Attorney General to convene a national working group to study proactive strategies and needed resources for the identification and rescue of children from sexual exploitation and abuse, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2021

Ms. SPANBERGER (for herself, Mr. CLINE, Mr. FITZPATRICK, and Mr. OWENS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To direct the Attorney General to convene a national working group to study proactive strategies and needed resources for the identification and rescue of children from sexual exploitation and abuse, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Response to  
5 Exploitation and Sexual abuse of Children in Unaddressed  
6 Emergencies Act” or the “Child RESCUE Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The growing international trade in child  
4 sexual abuse material creates demand and incentive  
5 for the sexual assault of children throughout the  
6 United States.

7 (2) United States law enforcement efforts to  
8 combat child sexual exploitation have the potential  
9 to help multiple distinct groups of victims, includ-  
10 ing—

11 (A) children depicted in child sexual abuse  
12 material (CSAM) who are still being assaulted;

13 (B) children and adults whose victimiza-  
14 tion as a child continues to be viewed and  
15 shared online; and

16 (C) children who are being sexually as-  
17 sailed by adults who could be interdicted while  
18 accessing or sharing CSAM online.

19 (3) In congressional hearings held by the Com-  
20 mittee on Energy and Commerce of the House of  
21 Representatives in 2006, the Department of Justice,  
22 the Federal Bureau of Investigation, and State law  
23 enforcement leaders estimated that hundreds of  
24 thousands of adults in the United States are engag-  
25 ing in CSAM crimes.

1           (4) A growing body of research—including aca-  
2       demic studies, analysis by the United States Sen-  
3       tencing Commission, and findings by law enforce-  
4       ment polygraphers—indicates that a majority of in-  
5       dividuals possessing and sharing CSAM are “dual  
6       offenders” who possess illegal imagery and also com-  
7       mit contact offenses.

8           (5) According to a 2018 study by the National  
9       Center for Missing and Exploited Children  
10      (NCMEC), “in cases involving a single victim and  
11      single offender, actively traded cases were associated  
12      with having prepubescent victims. Actively traded  
13      cases were also associated with more egregious con-  
14      tent in terms of sexual activity, and more likely to  
15      involve familial offenders, particularly nuclear family  
16      members.”.

17          (6) Law enforcement investigations of  
18      CyberTipline reports from the NCMEC frequently  
19      lead to the rescue of current child victims, thus ena-  
20      bling law enforcement to interdict offenders who are  
21      abusing children by circulating CSAM and also com-  
22      mitting contact offenses. In 2020, 21,700,000  
23      CyberTipline reports were submitted to NCMEC and  
24      approximately 200,000 CyberTipline reports were

1 made available to the 61 Internet Crimes Against  
2 Children (ICAC) units across the country.

3 (7) United States law enforcement's ability to  
4 detect and interdict online traffic in CSAM provides  
5 a historic opportunity to locate sexual predators and  
6 rescue children through victim-centric investigations.  
7 In 2020, the Internet Crimes Against Children Child  
8 Online Protection Services (ICACCOPS) and other  
9 law enforcement investigative systems detected more  
10 than 325,000 unique IP addresses in the U.S. that  
11 were associated with CSAM and made available to  
12 the Internet Crimes Against Children (ICAC) Task  
13 Forces.

14 (8) With inadequate resources, United States  
15 law enforcement agencies are increasingly unable to  
16 adequately respond to this rapidly growing number  
17 of CyberTips and other investigative leads, a prob-  
18 lem which also reduces the number of proactive un-  
19 dercover investigations and education activities they  
20 can conduct.

21 (9) Investigations of these crimes are com-  
22 plicated by the increasing prevalence of encryption  
23 and anonymizing services available to offenders.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1           (1) CHILD SEXUAL ABUSE MATERIAL.—The  
2           term “child sexual abuse material” has the meaning  
3           given the term “child pornography” in section 2256  
4           of title 18, United States Code.

5           (2) KNOWN TO LAW ENFORCEMENT.—The term  
6           “known to law enforcement” means a Federal,  
7           State, or local law enforcement agency has evidence  
8           of a crime that can be attributed to a person or loca-  
9           tion, including an email address, Internet Protocol  
10          address, screen name, computer global unique identi-  
11          fier, phone number, or other information attrib-  
12          utable to that person or location.

13          (3) PROACTIVE POLICING.—The term  
14          “proactive policing” means a specialized, covert, or  
15          undercover investigation conducted by a law enforce-  
16          ment agency that involves a person or organization  
17          that the law enforcement agency believes is engaging  
18          in a violation or violations of child sexual abuse,  
19          child exploitation, or child sex trafficking crimes.

20          (4) WORKING GROUP.—The term “Working  
21          Group” means the United States Working Group on  
22          Children in Imminent Danger established under sec-  
23          tion 3(a).

1 **SEC. 4. ESTABLISHMENT OF WORKING GROUP.**

2 (a) IN GENERAL.—Not later than 90 days after the  
3 date of enactment of this Act, the Attorney General shall  
4 establish a national working group, to be known as the  
5 “United States Working Group on Children in Imminent  
6 Danger”, to study victim-centric policing strategies and  
7 resource needs to rescue children in the United States who  
8 are—

9 (1) victims of child sexual abuse material; or

10 (2) victims of sexual abuse by individuals who  
11 are also engaged in child sexual abuse material  
12 crimes.

13 (b) PRIORITY.—In carrying out the study under sub-  
14 section (a), the Working Group shall give priority to inves-  
15 tigative leads that indicate the possibility of identifying or  
16 rescuing child victims of sexual abuse or child sexual abuse  
17 material crimes.

18 **SEC. 5. DUTIES OF THE WORKING GROUP.**

19 In carrying out the study under section 4, the Work-  
20 ing Group shall—

21 (1) develop estimates of the total number of  
22 adults in the United States who are committing  
23 crimes involving the production, distribution, receipt,  
24 or possession of child sexual abuse material, includ-  
25 ing the number of such individuals who—

1 (A) could be interdicted by Federal, State,  
2 or local law enforcement agencies if sufficient  
3 funding resources were available; and

4 (B) are committing crimes involving sexual  
5 contact with children;

6 (2) develop estimates of the total number of  
7 minor victims of child sexual abuse in the United  
8 States, disaggregated by age range, who—

9 (A) could be located and protected from  
10 further abuse through the interdiction of indi-  
11 viduals committing offenses described in para-  
12 graph (1); or

13 (B) are likely to become victims of contact  
14 sexual offenses by adults committing offenses  
15 described in paragraph (1) during the 10-year  
16 period beginning on the date of enactment of  
17 this Act;

18 (3) develop estimates and descriptions of the  
19 funding, resources, and proactive and reactive strat-  
20 egies necessary for Federal, State, and local law en-  
21 forcement agencies to successfully locate and protect  
22 minor victims described in paragraph (2);

23 (4) develop estimates of the number of child  
24 sexual abuse offenses that are reported annually in-

1       volving adults in a position of trust or authority in-  
2       cluding—

3               (A) the total number of such offenses an-  
4               nually known to social service agencies and  
5               other non-law enforcement child abuse inves-  
6               tigators, and whether or not those reports re-  
7               ceived a concurrent law enforcement investiga-  
8               tive response; and

9               (B) potential strategies and resources that  
10              could be used to ensure that offenders reported  
11              to social service agencies alleged to have com-  
12              mitted contact sexual offenses are also inves-  
13              tigated for potential child sexual abuse material  
14              crimes; and

15             (5) provide additional analysis and nonduplica-  
16             tive estimates of—

17               (A) the number of adults who were ar-  
18               rested by Federal, State, and local law enforce-  
19               ment agencies during the 5-year period ending  
20               on the date of enactment of this Act, by year,  
21               for any of the offenses described in paragraphs  
22               (1) and (4);

23               (B) the number of adults who were pros-  
24               ecuted at the Federal or State level during the  
25               5-year period ending on the date of enactment



1 of this Act, by year, for any of the offenses de-  
2 scribed in paragraphs (1) and (4);

3 (C) the estimated number of unidentified  
4 victims depicted in child abuse imagery that is  
5 known to the National Center for Missing and  
6 Exploited Children; and

7 (D) the estimated number of cases that re-  
8 ceive no investigative follow-up and the under-  
9 lying reasons for that outcome.

10 **SEC. 6. MEMBERS OF THE WORKING GROUP.**

11 (a) IN GENERAL.—

12 (1) ATTORNEY GENERAL DISCRETION.—The  
13 Working Group shall be composed of such represent-  
14 atives of Federal departments and agencies, non-  
15 Federal law enforcement agencies, nongovernmental  
16 organizations, and subject matter experts as the At-  
17 torney General considers appropriate.

18 (2) SPECIFIED MEMBERS.—The Attorney Gen-  
19 eral shall appoint representatives of the following  
20 agencies and nongovernmental organizations to the  
21 Working Group:

22 (A) Three representatives from State or  
23 local grantees of the Internet Crimes Against  
24 Children Task Force program with extensive,  
25 direct experience conducting both CyberTipline

1 investigations and proactive, online undercover  
2 investigations, including use of specialized tools  
3 for peer-to-peer investigations.

4 (B) A Chief or Deputy Chief of the Child  
5 Exploitation and Obscenity Section of the  
6 Criminal Division of the Department of Justice.

7 (C) The National Coordinator for Child  
8 Exploitation Prevention and Interdiction of the  
9 Department of Justice.

10 (D) A representative of the Behavioral  
11 Analysis Unit of the United States Marshals  
12 Service with subject matter expertise in child  
13 exploitation offenders who also commit contact  
14 offenses.

15 (E) A special agent of Homeland Security  
16 Investigations with expertise in both  
17 CyberTipline investigations and proactive online  
18 investigations.

19 (F) A subject matter expert within Home-  
20 land Security Investigations with expertise in  
21 child victim identification.

22 (G) A special agent of the Federal Bureau  
23 of Investigation with expertise in both  
24 CyberTipline investigations and proactive online

1 investigations and the use of polygraphs in  
2 child sexual abuse material investigations.

3 (H) A representative from the National  
4 Children's Alliance with expertise in child ex-  
5 ploitation and child victim forensic interviewing.

6 (I) A special agent of the United States  
7 Secret Service with expertise in investigations  
8 of child sexual abuse material or polygraphs of  
9 child sexual exploitation suspects.

10 (J) A special agent of the United States  
11 Postal Inspection Service with expertise in in-  
12 vestigations of child sexual abuse material.

13 (K) A representative from the National  
14 District Attorney's Association.

15 (L) A representative from the academic  
16 community with expertise in developing tech-  
17 nology that can proactively detect the distribu-  
18 tion of CSAM online.

19 (M) At the election of the head of the rel-  
20 evant entity—

21 (i) a representative of the Internet  
22 Crimes Against Children Task Force pro-  
23 gram;

24 (ii) a representative from the ICAC  
25 Child Online Protection System

1 (ICACCOPS) at the National Criminal  
2 Justice Training Center with subject mat-  
3 ter expertise on child sexual exploitation  
4 and abuse investigations;

5 (iii) a representative at the Child Res-  
6 cue Coalition with subject matter expertise  
7 on the CPS system and other child sexual  
8 exploitation and abuse investigations;

9 (iv) a representative of the National  
10 Center for Missing and Exploited Children  
11 with subject matter expertise on child sex-  
12 ual exploitation and abuse and child victim  
13 identification; and

14 (v) a representative of the Rape,  
15 Abuse & Incest National Network with  
16 subject matter expertise on child sexual ex-  
17 ploitation and abuse.

18 (b) CESSATION OF MEMBERSHIP.—If an individual  
19 is appointed to the Working Group based on membership  
20 in an agency or organization and the individual ceases to  
21 be a member of that agency or organization, the individual  
22 shall cease to be a member of the Working Group on the  
23 date on which the member ceases to be a member of the  
24 agency or organization.

1 (c) TERMS.—A member of the Working Group shall  
2 be appointed for the life of the Working Group.

3 (d) VACANCIES.—

4 (1) VACANCY BEFORE EXPIRATION OF TERM.—

5 A member appointed to the Working Group to fill a  
6 vacancy occurring before the expiration of the term  
7 for which the member's predecessor was appointed  
8 shall be appointed only for the remainder of that  
9 term.

10 (2) MANNER OF APPOINTMENT.—A vacancy in  
11 the Working Group shall be filled in the manner in  
12 which the original appointment was made.

13 (e) COMPENSATION.—A member of the Working  
14 Group shall serve without pay.

15 (f) QUORUM.—A majority of the members of the  
16 Working Group shall constitute a quorum, but a lesser  
17 number may hold hearings.

18 (g) CHAIRPERSON.—The Chairperson of the Working  
19 Group shall be elected by a majority vote of the Working  
20 Group.

21 (h) MEETINGS.—The Working Group shall hold vir-  
22 tual meetings monthly, and any subgroup of the Working  
23 Group shall hold additional meetings as necessary.

1 **SEC. 7. STAFF OF WORKING GROUP; EXPERTS AND CON-**  
2 **SULTANTS.**

3 (a) STAFF.—The Chairperson of the Working Group  
4 may appoint and fix the pay of additional personnel as  
5 the Chairperson considers appropriate.

6 (b) EXPERTS AND CONSULTANTS.—The Chairperson  
7 of the Working Group may procure temporary and inter-  
8 mittent services under section 3109(b) of title 5, United  
9 States Code.

10 (c) DETAILEES.—Upon request of the Chairperson of  
11 the Working Group, the head of any Federal department  
12 or agency may detail, on a reimbursable basis, any of the  
13 personnel of that department or agency to the Working  
14 Group to assist in carrying out the duties of the Working  
15 Group under this Act.

16 **SEC. 8. POWERS OF WORKING GROUP.**

17 (a) HEARINGS AND SESSIONS.—

18 (1) IN GENERAL.—The Working Group may,  
19 for the purpose of carrying out this Act, hold hear-  
20 ings, sit and act at times and places, take testimony,  
21 and receive evidence as the Working Group considers  
22 appropriate.

23 (2) WITNESSES.—The Working Group may ad-  
24 minister oaths or affirmations to witnesses appear-  
25 ing before the Working Group.

1 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
2 ber or agent of the Working Group may, if authorized by  
3 the Chairperson, take any action that the Working Group  
4 is authorized to take under this section, including request-  
5 ing information.

6 (c) OBTAINING OFFICIAL INFORMATION.—

7 (1) IN GENERAL.—The Working Group may se-  
8 cure directly from any department or agency of the  
9 United States information necessary to enable the  
10 Working Group to carry out this Act.

11 (2) FURNISHING INFORMATION.—Upon request  
12 of the Chairperson of the Working Group for infor-  
13 mation under paragraph (1), the head of the depart-  
14 ment or agency of the United States shall furnish  
15 that information to the Working Group.

16 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
17 the request of the Working Group, the Administrator of  
18 General Services shall provide to the Working Group, on  
19 a reimbursable basis, the administrative support services  
20 necessary for the Working Group to carry out the respon-  
21 sibilities of the Working Group under this Act.

22 **SEC. 9. REPORT.**

23 (a) IN GENERAL.—Not later than 365 days after the  
24 date of enactment of this Act, the Working Group shall  
25 submit to the Attorney General, the Committee on the Ju-

1 diciary of the Senate, the Committee on Appropriations  
2 of the Senate, the Committee on the Judiciary of the  
3 House of Representatives, and the Committee on Appro-  
4 priations of the House of Representatives, a report that  
5 contains—

6           (1) a detailed statement of the findings and  
7           conclusions of the Working Group, together with  
8           recommendations for legislation; and

9           (2) a summary of the support, documents, and  
10          witnesses to the Committee provided by the Depart-  
11          ment of Justice to the Working Group.

12          (b) MATERIAL INCLUDED.—A majority vote of the  
13          members of the Working Group shall determine the find-  
14          ings, conclusions, and recommendations included in the re-  
15          port submitted under subsection (a).

16 **SEC. 10. TERMINATION.**

17          (a) IN GENERAL.—The Working Group shall termi-  
18          nate 120 days after submission of the report under section  
19          9, unless the Attorney General determines that such ter-  
20          mination is not appropriate.

21          (b) RECONVENING GROUP.—If the Working Group  
22          terminates under subsection (a), the Attorney General  
23          may reconvene the Working Group in accordance with this  
24          Act.

○