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Project Safe Childhood and the National Strategy for Child Exploitation Prevention and Interdiction

Countering child sexual exploitation is a perennial issue for policymakers, law enforcement, and the public. Project Safe Childhood (PSC) is the Department of Justice's (DOJ's) nationwide initiative to counter child sexual exploitation and abuse. To complement PSC, DOJ has a *National Strategy for Child Exploitation Prevention and Interdiction*, outlining the department's efforts to counter child exploitation and serving as a call to action for Congress and others, including the technology industry and nongovernmental organizations. Policymakers may examine and evaluate DOJ's efforts to counter child exploitation, among their broader efforts to counter exploitation and keep children safe, particularly in the online environment.

Project Safe Childhood

PSC was authorized by Title I of the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248; 34 U.S.C. §20942) and launched in May 2006. Within DOJ, PSC is led by the U.S. Attorneys and the Criminal Division's Child Exploitation and Obscenity Section (CEOS). Other partners include the Internet Crimes Against Children (ICAC) task forces, federal law enforcement (e.g., the Federal Bureau of Investigation [FBI], the U.S. Postal Inspection Service, U.S. Immigration and Customs Enforcement Homeland Security Investigations, the U.S. Secret Service, and the U.S. Marshals Service); advocacy organizations; and state, local, and tribal law enforcement.

Initially, PSC focused on technology-facilitated exploitation. However, in May 2011 DOJ expanded the initiative "to encompass all federal crimes involving the sexual exploitation of a minor, including sex trafficking of a minor and crimes against children committed in Indian country. Failure to register as a sex offender offenses now also fall within the ambit of Project Safe Childhood." The primary activities of PSC are the following:

- **Building partnerships.** These collaborations integrate federal, state, local, and tribal law enforcement efforts to investigate and prosecute child exploitation, and include partnerships with the ICAC task forces. They may also involve efforts to raise awareness and identify and rescue victims of exploitation.
- **Coordinating law enforcement.** This involves federal case coordination within DOJ and with multijurisdictional task forces established in connection with PSC.
- **Training PSC partners.** This involves training on the investigation and prosecution of computer-facilitated crimes against children.
- **Enhancing public awareness.** The goal is to provide national public awareness and educational programs on the threat of online sexual predators and how to report possible child exploitation violations.
- **Holding offenders accountable.** This involves increasing federal involvement in child exploitation and enticement cases, including by providing for enhanced investigative tools and federal prosecutions.

The authorizing legislation for PSC also authorized DOJ to add Assistant U.S. Attorneys dedicated to prosecuting PSC-related cases, establish new ICAC task forces, enhance forensic capabilities of ICAC task forces, enhance FBI task forces focused on countering child exploitation, and expand the purposes of PSC, as deemed necessary.

ICAC Task Forces

DOJ's ICAC Task Force program supports state and local law enforcement task forces in responding to online enticement of children, child exploitation, and child obscenity and child sexual abuse material (CSAM) cases. ICAC task force support involves investigative assistance, training and technical assistance, victim services, and community education. Currently, 61 ICAC task forces are in operation; these represent over 5,400 federal, state, local, and tribal law enforcement and prosecutorial agencies.

The ICAC program notes that since its inception in 1998, it has reviewed over 844,600 complaints of child sexual victimization, resulting in over 89,400 individuals being arrested. The program also provides training to ICAC members through webinars, in-person classroom training, and e-learning to complement the in-person training. (The ICAC program receives funding as part of DOJ's broader Missing and Exploited Children program, which also provides support for the National Center for Missing and Exploited Children [NCMEC] and the AMBER Alert Program.)

National Strategy for Child Exploitation Prevention and Interdiction

While not authorized as part of PSC, DOJ's *National Strategy for Child Exploitation Prevention and Interdiction* directly supports PSC's goals of countering child exploitation. The Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2008 (PROTECT Our Children Act of 2008, P.L. 110-401), among other things, directed DOJ to establish and implement a national strategy on the prevention and interdiction of child sexual exploitation. It specified that the national strategy is to establish long-range, comprehensive goals to combat child exploitation and that DOJ is to

coordinate its programs to combat child exploitation with other federal programs, as well as with international, state, local, and tribal law enforcement agencies and the private sector. As part of this strategy, DOJ is to assess the effectiveness of the ICAC Task Force program and conduct periodic reviews of the effectiveness of each ICAC task force, among other items. Taken together, this information is to be included in a report to Congress one year after enactment of the act—or October 13, 2009—and every other year beginning with February 1, 2011. In total, DOJ has issued three national strategy reports: in 2010, 2016, and 2023.

2023 Strategy

In June 2023, DOJ released the third and most recent *National Strategy for Child Exploitation Prevention and Interdiction* (2023 Strategy). The 2023 Strategy recognizes the role of technology in child exploitation, stating that “it is imperative to acknowledge that the benefits of technology that prioritizes encryption, anonymization, comingling of adult and child users, and limitless information exchange come with a cost.” It also notes that child exploitation threats have grown in three distinct ways:

- **Scale.** There has been an increase in the number of victims and offenders identified as well as the quantity of CSAM circulating.
- **Complexity.** The evolving digital landscape, including numerous online platforms as well as encryption and anonymizing technologies, makes investigations of online exploitation more challenging.
- **Dangerousness.** Investigators have identified increasingly younger victims who have experienced violence.

To address the various child exploitation threats, the 2023 Strategy outlines goals in 10 areas: legislation, funding, enforcement, training, technology, collaboration, research, prevention, reporting, and victim services. With respect to legislation, the 2023 Strategy suggests that Congress consider reforms that would “permit victims of CSAM to pursue civil remedies against online providers; better account for the severity of child sexual abuse offenses by updating the U.S. Sentencing Guidelines applicable to such offenses; require certain child-serving organizations to report apparent instances of child abuse; provide a long-overdue update to the terminology used to describe these offenses by eliminating the phrase ‘child pornography’ from federal law; ensure military children are no longer deprived of access to a state’s juvenile justice system when an incident occurs in exclusive federal jurisdiction, on any military installation, or overseas; close gaps in, and correct adverse judicial decisions concerning federal criminal provisions; and enact provisions designed to afford child victims better protections in the federal criminal justice system.”

Policy Considerations

PSC Reauthorization. In looking to the future of PSC, policymakers have been considering issues including reauthorizing appropriations for the program, which expired

at the end of FY2012 (PSC was initially authorized at \$33.0 million for FY2007 and such sums as may be necessary for FY2008–FY2012); and updating the program to enhance federal law enforcement resources to prosecute PSC-related cases and help expand awareness about technology-facilitated exploitation such as CSAM. As the program has continued for over a decade without authorized appropriations, policymakers may debate the benefit of authorizing appropriations for PSC itself or the PSC-related activities of its participating agencies—such as additional federal prosecutors for child exploitation cases. Policymakers may also examine whether the PSC program activities are aligned with the goals outlined in the 2023 Strategy to counter child exploitation.

Investigations of CSAM and Support for ICACs. There has been an increase in CSAM circulating online. NCMEC operates the CyberTipline, a nationwide centralized system for reporting suspected online exploitation of children. The public and electronic communication services or remote computing service providers (collectively known as electronic service providers [ESPs]) can make reports of suspected child sexual exploitation to the CyberTipline. ESPs are required by law to report such incidents they become aware of on their systems. NCMEC evaluates and prioritizes these reports and makes them available to federal, state, local, and international law enforcement agencies, including the ICAC task forces. NCMEC received over 36.2 million reports to the CyberTipline in 2023, a more than 12% increase over the previous year, and over 90% of these involved uploading of CSAM by individuals outside the United States. DOJ supports the ICAC task forces and reports that its support has not increased at a commensurate pace with CyberTipline reports sent to the ICAC task forces. Policymakers may examine how increasing ICAC funding support may affect the qualitative outcomes, not just quantitative outputs, of CSAM investigations and prosecutions.

Oversight of the National Strategy for Child Exploitation Prevention and Interdiction. The Government Accountability Office (GAO) has noted that DOJ has not issued the national strategy every two years, as required by law. The three reports that DOJ has issued all included an assessment of threats involving the sexual exploitation of children, the goals and work of federal agencies to combat child sexual exploitation, and a review of the ICAC Task Force program, among other elements. However, GAO notes that DOJ has not regularly included all statutorily required elements. For instance, GAO indicates that DOJ did not fully include 9 of the 19 required elements in the 2023 report. As the next strategy will be due in 2025, policymakers may look at not only timeliness of the strategy, but whether DOJ has included statutorily required elements. They may also consider whether the reporting requirements should be updated to reflect the evolving scale, complexity, and dangerousness of the child exploitation landscape that DOJ has identified.

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