

116TH CONGRESS
2D SESSION

H. R. 7919

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

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2020

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

A BILL

To direct the Attorney General to convene a national working group to study proactive strategies and needed resources for the 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 Unad-
6 dressed Emergencies Act” or the “Child RESCUE Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

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

5 (2) United States law enforcement efforts to
6 combat child sexual exploitation have the potential
7 to help multiple distinct groups of victims, including
8 children depicted in the imagery itself who are still
9 being assaulted; children and adults whose past vic-
10 timization is being viewed and shared online; and
11 children who are being sexually assaulted by adults
12 who could be interdicted while accessing or sharing
13 illegal imagery online.

14 (3) In 2006, Congressional hearings of the
15 Committee on Energy and Commerce of the House
16 of Representatives, the Department of Justice, Fed-
17 eral Bureau of Investigation, and State law enforce-
18 ment leaders estimated that there are hundreds of
19 thousands of adults in the United States engaging
20 in child sexual abuse material crimes.

21 (4) A growing body of research—including aca-
22 demic studies, analysis by the United States Sen-
23 tencing Commission, and findings by law enforce-
24 ment polygraphers—indicates that a majority of in-
25 dividuals possessing and sharing child sexual abuse

1 material are “dual offenders”, who both possess ille-
2 gal imagery and also commit contact offenses.

3 (5) According to the National Association to
4 Protect Children, identifying dual offenders through
5 proactive police investigations is one of the most ef-
6 fective strategies for child sexual abuse prevention
7 available. By using technology-assisted policing
8 strategies, law enforcement can follow the trail of il-
9 legal imagery to the locations of offenders who have
10 a sexual interest in children, enabling the rescue of
11 current victims and interrupting future assaults.

12 (6) Despite this historic opportunity to locate
13 child sexual predators and rescue children, United
14 States law enforcement is increasingly unable to con-
15 duct proactive investigations aimed at finding the
16 most dangerous predators. According to the Na-
17 tional Center for Missing and Exploited Children,
18 leads from electronic service providers and the public
19 grew exponentially over the past decade, from
20 500,000 in 2008 to 18.4 million in 2018. This influx
21 of reports has overwhelmed law enforcement agen-
22 cies and task forces, forcing them to limit proactive
23 investigations.

24 (7) While continued, rapid response to leads
25 from electronic service providers and the public is

1 essential, increasing child rescues also requires
2 United States law enforcement to increase and im-
3 prove its capacity to conduct victim-centric, proac-
4 tive investigations of suspects it believes have the
5 highest likelihood of being contact offenders.

6 **SEC. 3. ESTABLISHMENT OF WORKING GROUP.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of enactment of this Act, the Attorney General shall
9 establish a national working group, to be known as the
10 U.S. Commission on Children in Imminent Danger, to
11 study proactive policing strategies and resource needs to
12 rescue children in the United States who are—

- 13 (1) victims of child sexual abuse material; or
14 (2) victims of sexual abuse by individuals who
15 are also engaged in child sexual abuse material
16 crimes.

17 (b) PRIORITY.—In carrying out the study described
18 in subsection (a), the U.S. Commission on Children in Im-
19 minent Danger shall give priority to investigative leads
20 that indicate the possibility of identifying or rescuing child
21 victims.

22 **SEC. 4. DUTIES OF THE WORKING GROUP.**

23 In carrying out the study described in section 3, the
24 working group shall—

1 (1) develop estimates of the total number of
2 adults in the United States who are committing
3 crimes involving the production, distribution, receipt,
4 or possession of child sexual abuse material, includ-
5 ing the number of such individuals who—

6 (A) could be interdicted by Federal, State,
7 and local law enforcement if sufficient funding
8 resources were available; and

9 (B) are committing crimes involving sexual
10 contact with children;

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

14 (A) could be located and protected from
15 further abuse through the interdiction of indi-
16 viduals committing offenses described in para-
17 graph (1); or

18 (B) are likely to become victims of contact
19 sexual offenses by adults committing offenses
20 described in paragraph (1), in the 10-year pe-
21 riod beginning on the date of enactment of this
22 Act;

23 (3) develop estimates and descriptions of the
24 funding, resources, and proactive strategies nec-
25 essary for Federal, State, and local law enforcement

1 to successfully locate and protect minor victims de-
2 scribed in paragraph (2); and

3 (4) provide additional analysis and nonduplica-
4 tive estimates of—

5 (A) the number of adults who were ar-
6 rested by Federal, State, and local agencies
7 during the 5-year period before the date of en-
8 actment of this Act, by year, for any of the of-
9 fenses described in paragraph (1);

10 (B) the number of adults who were pros-
11 ecuted federally and in the States during the 5-
12 year period before the date of enactment of this
13 Act, by year, for any of the offenses described
14 in paragraph (1);

15 (C) the estimated number of unidentified
16 victims depicted in child abuse imagery that is
17 known to the National Center for Missing and
18 Exploited Children; and

19 (D) the number and percentage of of-
20 fenses, as described in paragraph (1) of this
21 section, that are committed by adults in a posi-
22 tion of trust or authority, including analysis of
23 potential proactive strategies that could be used
24 by social service agencies and other child abuse
25 investigators to detect both child exploitation

1 and contact sexual offenses by offenders de-
2 scribed in paragraph (1).

3 **SEC. 5. MEMBERS OF THE WORKING GROUP.**

4 (a) IN GENERAL.—The working group shall be com-
5 posed of such representatives of Federal departments and
6 agencies, non-Federal law enforcement agencies, and non-
7 governmental organizations as the Attorney General con-
8 siders appropriate. The Attorney General shall invite the
9 following individuals to be members of the working group:

10 (1) Three representatives from State or local
11 grantees of the Internet Crimes Against Children
12 task force program with extensive, direct experience
13 conducting proactive, online undercover investiga-
14 tions, including use of specialized tools for peer-to-
15 peer investigations.

16 (2) A representative of the Department of Jus-
17 tice Child Exploitation and Obscenity Section.

18 (3) The Department of Justice’s National Coor-
19 dinator for Child Exploitation Prevention and Inter-
20 diction.

21 (4) A representative of the Behavioral Analysis
22 Unit of the United States Marshals Service or a des-
23 ignee.

1 (5) A Special Agent of the United States
2 Homeland Security Investigations with expertise in
3 proactive online investigations.

4 (6) A representative of the Cyber Crimes Cen-
5 ter Victim Identification Lab of United States
6 Homeland Security Investigations.

7 (7) A Special Agent of the Federal Bureau of
8 Investigation with expertise in proactive online inves-
9 tigations and the use of polygraphs in child sexual
10 abuse material investigations.

11 (8) A representative of the Innocent Images
12 program of the Federal Bureau of Investigation with
13 expertise in child victim identification.

14 (9) A Special Agent of the United States Secret
15 Service with expertise in investigations of child sex-
16 ual abuse material.

17 (10) A Special Agent of the United States Post-
18 al Inspection Service with expertise in investigations
19 of child sexual abuse material.

20 (11) At the election of the head of the relevant
21 entity—

22 (A) a representative of the Internet Crimes
23 Against Children and the Child Protection Sys-
24 tem at the National Criminal Justice Training

1 Center with subject matter expertise on child
2 sexual exploitation and abuse investigations;

3 (B) a representative of the Child Protec-
4 tion System (formerly Operation Fairplay) at
5 the Child Rescue Coalition with subject matter
6 expertise on child sexual exploitation and abuse
7 investigations;

8 (C) a representative of the National Asso-
9 ciation to Protect Children, with subject matter
10 expertise on child sexual exploitation and abuse;

11 (D) a representative of the National Cen-
12 ter for Missing and Exploited Children, with
13 subject matter expertise on child sexual exploi-
14 tation and abuse; and

15 (E) a representative of the Rape, Abuse &
16 Incest National Network, with subject matter
17 expertise on child sexual exploitation and abuse.

18 (b) CONTINUATION OF MEMBERSHIP.—If a member
19 of a working group was appointed based on membership
20 in an agency or organization and the member ceases to
21 be a member of such agency or organization, such member
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 such
24 agency or organization.

1 (c) TERMS.—Each member should be appointed for
2 the life of the working group.

3 (d) VACANCY.—Any member appointed to fill a va-
4 cancy occurring before the expiration of the term for which
5 the member's predecessor was appointed shall be ap-
6 pointed only for the remainder of that term. A member
7 may serve after the expiration of that member's term until
8 a successor has taken office. A vacancy in the working
9 group shall be filled in the manner in which the original
10 appointment was made.

11 (e) COMPENSATION.—Members of the working group
12 shall serve without pay.

13 (f) QUORUM.—A simple majority of the members
14 constitutes a quorum, but a lesser number may hold hear-
15 ings.

16 (g) CHAIRPERSON.—The Chairperson of the working
17 group shall be the director of the Child Exploitation and
18 Obscenity Section of the Department of Justice.

19 (h) MEETINGS.—The working group shall hold vir-
20 tual meetings monthly, and any subgroup of the working
21 group shall hold additional meetings as necessary.

1 **SEC. 6. 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 may procure temporary and intermittent services under
8 section 3109(b) of title 5, United States Code.

9 (c) DETAILEES.—Upon request of the Chairperson,
10 the head of any Federal department or agency may detail,
11 on a reimbursable basis, any of the personnel of that de-
12 partment or agency to the working group to assist it in
13 carrying out its duties under this Act.

14 **SEC. 7. POWERS OF WORKING GROUP.**

15 (a) HEARINGS AND SESSIONS.—The working group
16 may, for the purpose of carrying out this Act, hold hear-
17 ings, sit and act at times and places, take testimony, and
18 receive evidence as the working group considers appro-
19 priate. The working group may administer oaths or affir-
20 mations to witnesses appearing before it.

21 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
22 ber or agent of the working group may, if authorized by
23 the Chairperson, take any action which the working group
24 is authorized to take by this section, including requesting
25 information and data.

1 (c) OBTAINING OFFICIAL DATA.—The working group
2 may secure directly from any department or agency of the
3 United States information necessary to enable it to carry
4 out this Act. Upon request of the Chairperson of the work-
5 ing group, the head of that department or agency shall
6 furnish that information to the working group.

7 (d) MAILS.—The working group may use the United
8 States mails in the same manner and under the same con-
9 ditions as other departments and agencies of the United
10 States.

11 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
12 the request of the working group, the Administrator of
13 General Services shall provide to the working group, on
14 a reimbursable basis, the administrative support services
15 necessary for the working group to carry out its respon-
16 sibilities under this Act.

17 **SEC. 8. REPORT.**

18 Not later than 210 days after the date of enactment
19 of this Act, the working group shall submit to the Attorney
20 General, the Committees on the Judiciary of the House
21 of Representatives and the Senate, and the Committees
22 on Appropriations of the House of Representatives and the
23 Senate, which shall contain a detailed statement of the
24 findings and conclusions of the working group, together
25 with its recommendations for legislation.

1 **SEC. 9. TERMINATION.**

2 (a) IN GENERAL.—The working group shall termi-
3 nate 120 days after submission of the report under section
4 8, unless the Attorney General determines that such ter-
5 mination is not appropriate.

6 (b) RECONVENING GROUP.—In the case that the
7 working group terminates under subsection (a), the Attor-
8 ney General may reconvene the working group in accord-
9 ance with this Act.

10 **SEC. 10. DEFINITIONS.**

11 In this Act:

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

16 (2) KNOWN TO LAW ENFORCEMENT.—The term
17 “known to law enforcement” means a Federal,
18 State, or local law enforcement agency has evidence
19 of a crime that can be attributed to a person or loca-
20 tion, including an email address, internet protocol
21 address, screen name, computer global unique identi-
22 fier, phone number, or other information attrib-
23 utable to that person or location.

24 (3) PROACTIVE POLICING.—The term “proac-
25 tive policing” means specialized, covert, or under-
26 cover investigations conducted by law enforcement

1 involving people or organizations that law enforce-
2 ment authorities have a reasonable suspicion to be-
3 lieve are engaged in criminal activity. For purposes
4 of this Act, such investigations involve cases de-
5 scribed under Federal child exploitation laws.

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