



MAJOR CITIES CHIEFS ASSOCIATION

April 27, 2023

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The Honorable Richard J. Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Durbin,

I'm writing on behalf of the Major Cities Chiefs Association (MCCA) to register our support for S. 1199, the *STOP CSAM Act of 2023*. The MCCA is a professional organization of law enforcement executives representing the largest cities in the United States and Canada.

Online child sexual exploitation is one of the most heinous offenses someone can commit. Recent data demonstrates that these crimes continue to occur far too often. For example, according to the National Center for Missing and Exploited Children (NCMEC), 29.3 million child sexual abuse material (CSAM) reports were made to NCMEC's CyberTipline in 2021, a 35% increase from the previous year.¹ More must be done to address this threat, and the MCCA's members remain steadfast in their commitment to do everything in their power to keep our children safe.

Under current law, social media, technology, and similar companies must submit a report to NCMEC's CyberTipline when CSAM is found on their platforms. However, some statutory gaps have prevented this process from being as effective as possible in addressing CSAM. For example, providers are not currently required to report planned and imminent offenses. In addition, providers sometimes do not submit a report when they find CSAM, arguing that they don't have "actual knowledge" that a crime occurred, which is the current standard in law that triggers the reporting requirement. The *STOP CSAM Act of 2023* will close these loopholes by expanding the situations where a provider must submit a report and by giving providers the discretion to submit a report when they reasonably believe that a crime has or will occur.

S. 1199 will further improve the CyberTipline by increasing the investigative value of these reports. This bill requires providers to include basic subscriber information and expands the types of information that can be included in a report. This is important since

¹ "CyberTipline 2021 Report," *National Center for Missing & Exploited Children*.
<<https://www.missingkids.org/gethelpnow/cybertipline/cybertiplinedata#reports>>

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providers can currently comply with their legal obligations by submitting blank reports. The legislation also requires providers to submit this information within 60 days of finding CSAM, which will help law enforcement identify offenders and rescue victims more expeditiously.

While the *STOP CSAM Act of 2023* will address existing challenges with the CyberTipline and make other changes to improve CSAM responses, it will be difficult to completely mitigate this threat without developing a lawful access solution. Criminals are increasingly utilizing encrypted devices, applications, and services, the contents of which cannot be accessed by providers or law enforcement, even with a warrant. This conundrum has already hindered online child sexual exploitation investigations. As more of these offenders “go dark,” it will limit the impact of many of the changes included in S. 1199. This further underscores the importance of finding a lawful access solution that properly balances public safety with privacy and other constitutional rights.

Thank you for your leadership and your continued support of law enforcement. Please do not hesitate to contact me if the MCCA can be of additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eddie Garcia', with a long horizontal flourish extending to the right.

Eddie Garcia
Chief, Dallas Police Department
President, Major Cities Chiefs Association