

S 823

END CSAM Act

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Science, Technology, Communications

Introduced: Mar 15, 2023

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Mar 15, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/823>

Sponsor

Name: Sen. Hawley, Josh [R-MO]

Party: Republican • **State:** MO • **Chamber:** Senate

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Mar 15, 2023

Subjects & Policy Tags

Policy Area:

Science, Technology, Communications

Related Bills

No related bills are listed.

Everyone can Notice-and-Takedown Distribution of Child Sexual Abuse Material Act or the END CSAM Act

This bill makes it unlawful for social media companies to knowingly or recklessly host or distribute child sexual abuse material and subjects violators to civil penalties (ranging from \$100,000 to \$500,000). It also requires companies to establish a process for persons to notify companies of unlawful material and provides liability protections for companies that take down unlawful material.

The bill applies to companies that provide interactive computer services via web-based or mobile applications through which individuals create accounts to view, generate, or modify material that is viewable and sharable by others. The bill does not apply to companies that principally provide peer-to-peer messaging services.

A company must establish a process that a person may use to notify the company that it is hosting or distributing child sexual abuse material. As part of the process, a company must designate an agent to receive the notice.

If a company receives a notice but determines the material is not unlawful, the company must, within 10 days, respond to the person who sent the notice and explain the rationale for its determination.

The bill provides liability protection for companies that take down material because they believe in good faith it is child sexual abuse material. However, the liability protection shall not apply if the company received a notice but failed to take the material down within 10 days.

The bill also allows persons to bring private lawsuits on behalf of the government to enforce the bill. The person who brings the lawsuit may recover some of the civil penalties.

Actions Timeline

- **Mar 15, 2023:** Introduced in Senate
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