

The EARN IT Act (S. 1207)

Sponsor: Sen. Lindsey Graham (R-SC).

CHILD USA and CHILD USAdvocacy, support the Eliminating Abusive and Rampant Technologies Act (EARN IT Act) which is an act that is essential to remedying the rampant online circulation of child sexual abuse material (CSAM) by creating federal guidance on online best practices and widening the scope of interactive service providers liability in CSAM cases.

About CHILD USA

CHILD USA is the leading national nonprofit think tank fighting for the civil rights of children. Our mission is to employ in-depth legal analysis and cutting-edge social science research to protect children, prevent future abuse and neglect, and bring justice to survivors. CHILD USA engages in amicus advocacy for victims of CSAM in both state and federal court. CHILD USA's amicus briefs can be accessed here: <https://childusa.org/amicusadvocacy/>.

About CHILD USAdvocacy

CHILD USAdvocacy is a 501(c)(4) advocacy organization dedicated to ending child abuse and neglect by advocating for better laws for child protection. We draw on the combined expertise of the nation's leading child advocates, specifically our sister organization, CHILD USA. We are committed to protecting children's civil liberties and keeping children safe from abuse and neglect.

THE PROBLEM: In 2022, the National Center for Missing and Exploited Children received over 31.9 million reports of child pornography. According to WeProtect Global Alliance, an independent organization launched by the European Commission and U.S. Department of Justice as well as WeProtect which is an organization created by the United Kingdom, CSAM reports have increased 87% since 2019. This significant increase is underscored by current technological advancements like artificial intelligence (AI). Unfortunately, courts have been hesitant to enforce liability on interactive computer services who have CSAM on their websites because of protections under Section 230 of the Communications Act of 1934. This has left victims with little avenue to seek justice for their harms and has insulated big tech from accountability.

THE SOLUTION: The Earn It Act amends Section 230 to make big tech liable for harms to kids from CSAM. Additionally, the bill would create a Commission dedicated to develop best practices that interactive computer services can implement to reduce the prevalence of CSAM, child trafficking, and child online sexual exploitation.

The Commission would include:

- ❖ 4 members with experience investigating child sexual exploitation crimes;
- ❖ 4 survivors of online child sexual exploitation;
- ❖ 2 members with experience in matters related to consumer protection, civil liberties, civil rights, or privacy;
- ❖ 2 members with experience in computer science or software engineering related to matters of cryptography, data security, or artificial intelligence in a non-governmental capacity; and
- ❖ 4 individuals who work for an interactive computer service

We urge lawmakers to pass the EARN IT Act (S. 1207) to reduce and prevent the sexual victimization of minors on the internet and to ensure that big tech is held accountable for the proliferation of CSAM on their platforms.

