



Legislative Factsheet:

EARN IT ACT

(GRAHAM - SC; Blumenthal - CT)

ELIMINATING ABUSIVE and RAMPANT NEGLECT of
INTERACTIVE TECHNOLOGIES

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Problem:

Pedophiles sexually exploit children and memorialize the abuse with images and videos which they post on social media platforms like Facebook, Snapchat and Twitter. These images are often of child rape which is a criminal act. Social media platforms refuse to take down the Child Sex Abuse Material (CSAM) claiming it is protected by Sec 230 of the Communications Decency Act 1996. The courts have upheld the claim of immunity.

Social media platforms are required to report CSAM's posted on their platforms to the Cyber Tip Line, yet there is little accountability for this requirement.

In 2021 29.3 million reports were filed containing 84.9 million CSAM images videos. This represents an increase of over 30% from 2020. The increase in 2022 is expected to be even greater. Law-enforcement lacks the resources to investigate this large volume of reports. In some large cities they only investigate infant and toddler cases. Reporting by social media is often lax thus underreported.

Solution:

1. Amends Communication Decency Act to Remove Sec 230 immunity for CSAM - The legislators who framed the Act in 1996 never intended immunity to extend to the posting of criminal acts or CSAMs. Makes interactive service providers subject to Federal and State civil liability and State Liability under child pornography laws.

2. Creation of an expert Commission to provide oversight to the internet and recommend best practices relating to preventing, reducing, and responding to online child sexual exploitation. Commission is chaired by the Attorney General (or representative) with Secretary of Homeland Security (or representative) and Chairman of the Federal Trade Commission (or representative) and is comprised of 16 members appointed in equal numbers by both political parties in the Senate and House. Statute requires members be representative of government agencies, prosecutors, academia, survivors/nonprofits and technology companies.

3. Provides funding to National Center for Missing and Exploited Children to run the Cyber Tip Line.

4. Replaces all references to "child pornography" in the federal criminal code with "Child Sex Abuse Material."



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Roundtable Members



Fresh Start, Healing Heart



The S.C. Legislative Roundtable on Trafficking and Exploitation is a South Carolina Association of non-profits combatting human trafficking and exploitation.