

PROTECTING CHILDREN ONLINE THROUGH POLICY

ONLINE SEXUAL EXPLOITATION AND ABUSE OF CHILDREN POLICY MAPPING REPORT

FALL 2022 UPDATE



ACKNOWLEDGMENTS

This report addendum was commissioned by ChildFund International, with support from the Oak Foundation. It was researched and drafted by Kirsten Mettler with strategic guidance and direction from Danielle Lilly and Erin Kennedy. It was designed by Amy Nelson. ChildFund is a child-focused international development organization that works in 24 countries, including the United States, to connect children with the people, resources and institutions they need to grow up healthy, educated, skilled and safe, wherever they are. Delivered through more than 250 local implementing partner organizations, ChildFund’s programs address the underlying conditions that prevent any child or youth from achieving their full potential and place a special emphasis on child protection throughout their approach. In ChildFund’s newly launched 10-year strategy, the organization has identified online safety and prevention of online sexual exploitation and abuse of children as a critical focus area for advocacy and programmatic efforts.

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INTRODUCTION

The online sexual exploitation and abuse of children (OSEAC) continues to be an urgent and ever-growing problem. Over 84.9 million images, videos, and other content featuring children in suspected situations of sexual exploitation and abuse were submitted to the **National Center for Missing and Exploited Children** (NCMEC) in 2021, marking a 73% increase in reports when compared to 2019.

This addendum was written in August of 2022 and aims to build on *Protecting Children Online Through Policy*, an online sexual exploitation and abuse of children policy mapping report, commissioned by ChildFund International in 2021. By assessing issue area progress and updating our opportunity recommendations, we hope, along with the Ending OSEAC Coalition, to improve our strategy and effectively advocate for OSEAC remedies.

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HEARINGS

The 117th Congress included 20 hearings related to children, online safety, and digital privacy.¹ Senate Commerce, Science, and Technology (8) and House Energy and Commerce (5) led the way with the most hearings; Senate Commerce held a series of hearings called “Protecting Kids Online” while House Energy and Commerce had a series called “Holding Big Tech Accountable.” There were no hearings held specifically on OSEAC. Instead, discussions focused on children’s online safety more broadly, relating mainly to issues of mental health, marketing, or privacy.

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¹ A full list of hearings can be found in Appendix 1 and 2.

ADMINISTRATION

During the **2022 State of the Union address** in January, President Biden expressed his commitment to keeping children safe online, focusing on the impacts of social media on mental health. He noted the impact COVID-19 has had in exacerbating online harms.

Shortly thereafter in March 2022, the U.S. administration became one of the initial government members, along with Denmark, the United Kingdom, Sweden, Australia, and the Republic of Korea, to participate in the **Global Partnership for Action on Gender-Based Online Harassment and Abuse**, a collaborative group focused on addressing digital harms. While this is a promising development, it is important to note that children are not a core focus of this partnership.

The administration reiterated this commitment to addressing online harms with the unveiling of the **White House Task Force to Address Online Harassment and Abuse** in June of 2022 with remarks from Vice President Harris. The task force outlines promising priorities, including enhancing data collection and increasing survivor-centered services. However, children were not explicitly mentioned in the task force readout.

The most direct action the administration has publicly taken that specifically addresses OSEAC was at the 2022 G7 in June, during which members, including the U.S., released a **communique** prioritizing addressing child sexual abuse both online and offline.

Beyond this, the U.S. government has been largely absent in other international arenas specifically addressing OSEAC. For example, The U.S. did not make any specific commitments during the 2022 **WeProtect Global Summit** in June.

While these administrative actions generally signal a new executive interest in online safety, continued efforts are needed to ensure that the administration prioritizes addressing online harms against children, including OSEAC.

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APPROPRIATIONS

Proposed FY23 appropriations numbers for OSEAC accounts appear to be at levels generally comparable to recent years. The House Appropriations Commerce, Justice, and Science subcommittee has **recommended** increasing Missing and Exploited Children programs funding by 8,500,000 for FY23 to a total of 107,500,000. The subcommittee also, for the first time, included specific report **language** that funded ICAC Task Forces at their full authorized level, saying:

"The Committee recommends \$60,000,000 for task force grants, training and technical assistance, research and statistics, and administrative costs for the Internet Crimes Against Children (ICAC) program..."

The stability of funding coupled with these developments is reassuring and signal the effectiveness of advocate efforts, but it is critical that appropriations advocacy continue. Congress must recognize the need for substantial additional funds to address OSEAC and act accordingly.

THE HOUSE APPROPRIATIONS COMMERCE, JUSTICE,
AND SCIENCE SUBCOMMITTEE HAS RECOMMENDED
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OSEAC-RELATED BILLS
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PIECE OF LEGISLATION
HAS PASSED

However, the END Child Exploitation Act has not been taken up by the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security for consideration. The EARN IT Act (S.3538/H.R.6544) is in a similar position and has not moved forward since being referred to the House Energy and Commerce Subcommittee on Communications and Technology. While this stall in movement is concerning, there is still some congressional interest in these bills, as both have continued to add new co-sponsors. The END Child Exploitation Act added five House co-sponsors in 2022. After being initially introduced, the EARN IT Act gained twelve new House co-sponsors and four new Senate co-sponsors.

As of August 2022, sixty-four OSEAC-related bills have been introduced in the 117th Congress, though only one piece of legislation has passed.³ The **Violence Against Women Reauthorization Act**, which explicitly noted the internet's role in sexual violence and abuse, passed in March 2022.

The **Kids Online Safety Act** (KOSA) (S.3663) is the most notable of these new bills, with eleven bipartisan co-sponsors and extensive coverage in the media. KOSA was **marked up** by the Senate Commerce, Science, and Transportation Committee in July 2022 and advanced with nine amendments. While KOSA does address OSEAC, much of its focus is instead on mental health rather than OSEAC specifically.

The END Child Exploitation Act (S.365/H.R.1189) and the EARN IT Act (S.3538/H.R.6544) remain as two dominant OSEAC bills in Congress.

LEGISLATION

The **END Child Exploitation Act** (S.365/H.R.1189) and the **EARN IT Act** (S.3538/H.R.6544) remain as two dominant OSEAC bills in Congress. The EARN IT Act has a broader set of policy asks, while the END Child Exploitation Act has a much narrower mandate.²

The EARN IT Act has received extensive attention in the press, though much of this coverage has been negative. 22 op-eds have been published criticizing the EARN IT Act, some of which were published in major publications including the Washington Post, Slate, Wired, Vox, and the Brookings Institute.

At least 16 different organizations have come out publicly against the EARN IT Act. Opposition comes from both the NGO/civil liberties space and the industry side. Most organizations against the legislation argue that the EARN IT Act will erode privacy rights. Six senators – Booker (D-NJ), Coons (D-DE), Lee (R-UT), Ossoff (D-GA), Padilla (D-CA), and Wyden (D-OR) – have expressed apprehension or criticism of the bill. In contrast, no groups or legislators have spoken against the END Child Exploitation Act, and no opposition op-eds have been published.



² Appendix 3 through 7 provides information on sentiments relating to the END Child Exploitation Act and the EARN IT Act.

³ Sixty-four bills counts those introduced in the House and Senate separately. A full list of introduced legislation can be found in Appendix 8, 9, and 10.

U.S. STATE AND NON-U.S EFFORTS

There has been legislative movement on OSEAC at the state level and abroad. In 2018, the European Union's (EU) **General Data Protection Regulation** (GDPR) went into effect, creating strict privacy and data regulations. The GDPR has additional protections for children; it requires parental consent for data processing and the development of easily understandable privacy policies.

The EU has continued to propose more robust digital protections. Introduced in May 2021, the EU's **Digital Services Act** (DSA) would create new transparency requirements, require immediate takedown of content harming cyber victims, and limit linking to illegal sites on search engines. The DSA is expected to be formally adopted in September 2022. The rules will then begin to apply either after 15 months or in January 2024, whichever comes later. In May 2022, the European Commission proposed a **regulation** "laying down rules to prevent and combat child sexual abuse." If implemented, the regulation would require companies to conduct risk assessments, strengthen takedown requirements, and create an EU Centre to address child abuse online.

The United Kingdom (UK) adopted the GDPR and expanded on it by passing the **Children's Code**, which became effective in September 2021. The Code requires services used by children to default to maximum security settings, bans "nudging,"⁴ and minimizes child data utilization. The UK then introduced the **Online Safety Bill** in 2021. The legislation would require all CSAM to be reported, **implements** child risk assessments and transparency reports, and calls for platforms to develop easy reporting mechanisms for illegal content. However, the consideration of this bill has been **shelved** until a new prime minister is chosen in fall 2022.

"All these laws and proposals levy heavy fines for violations and impact a substantial part of technology companies' markets."

⁴ Sets of notifications that encourage users, in this case children, to provide more of their data or loosen their privacy settings.



"... after the GDPR and UK Children's Code went into effect, TikTok changed its direct messaging policies for all users under the age of 18, not just those in Europe, and YouTube deactivated autoplay for child users."

California has followed the European example and introduced the **Age-Appropriate Design Code** (AB 2273), modeled after the UK's Children's Code. The bill was signed into law by California Governor Gavin Newsom in September 2022 and is currently being considered by the state senate. The legislation governs platforms "likely to be accessed by children" by requiring high privacy default settings, limiting use of user data, and necessitating clear language to provide privacy notices. California is also considering the **Social Media Platform Duty to Children Act** (AB 2408), which focuses on protecting children from social media addictions.

All these laws and proposals levy heavy fines for violations and impact a substantial part of technology companies' markets.⁵ Some hope that as platforms adjust to these regulations, users even outside of these jurisdictions will benefit. This **pattern** has already been seen: after the GDPR and UK Children's Code went into effect, TikTok changed its direct messaging policies for all users under the age of 18, not just those in Europe, and YouTube deactivated autoplay for child users.

⁵ A full list breakdown of these pieces of legislation can be found in Appendix 11 and 12.



"While these steps are promising, it should be noted that this framework was designed by the industry, is voluntary, and lacks any enforcement mechanisms; all significantly limiting its impact."

INDUSTRY

In June 2022, the **Tech Coalition**, a group focused on coordinating the industry's response to OSEAC, launched "**Trust: Voluntary Framework for Industry Transparency**." The Framework provides companies with guidelines for analyzing, reporting, and preventing CSAM on their platforms. While these steps are promising, it should be noted that this framework was designed by the industry, is voluntary, and lacks any enforcement mechanisms; all significantly limiting its impact.

Outside of the Tech Coalition, little substantial corporate action has occurred. Last year, Apple **announced** plans to scan iCloud photos to prevent uploads of CSAM but **canceled** the rollout due to privacy concerns. In August 2021, Google **rolled out** new protections for children, including allowing children to remove their images from Google search and turning location data off for users under 18. Other companies have similarly made moves toward greater protection, but none of these efforts have been comprehensive moves to truly end OSEAC.

OPPORTUNITIES

The recommendations from the previous policy mapping exercise still stand. Increasing appropriations, the passage of the END Child Exploitation Act, and the designation of a senior official to oversee the U.S. response to OSEAC are all important, actionable steps that can help address OSEAC. However, below are additional recommendations to help supplement these actions.



RECOMMENDATION 1: ADJUSTMENTS TO THE END CHILD EXPLOITATION ACT STRATEGY

Advocacy should continue to prioritize the END Child Exploitation Act because this legislation could be deeply impactful and is more likely to pass compared to its more controversial counterpart, the EARN IT Act. However, new strategies should be considered for supporting the bill's passage this Congress. Due to various national issues occupying the House and Senate Judiciary Committees' agendas, time has not been made for the END Child Exploitation Act.

Advocates should specifically focus on contacting members of the House Judiciary Committee in order to urge their support for the END Child Exploitation Act. If more members of the committee sign on to the bill as co-sponsors, the committee may consider the legislation sooner. Connecting with committee and subcommittee leadership may be especially fruitful.

As the clock runs short this Congress, advocates should also ask lawmakers to consider adding the END Child Exploitation Act to other "must pass" legislation to ensure its success. The act is concise enough to fit into a larger bill. The **Trafficking Victims Prevention and Protection Reauthorization Act (TVPPRA)** will need to pass this Congress, and the END Child Exploitation Act would fit nicely with the bill's stated priorities.

If the END Child Exploitation Act is not passed this congress, advocates must identify a new champion in the House to reintroduce the bill in the next congress, as the current lead sponsor, Rep. Anthony Gonzalez (R-OH), has announced that he will not be running for the 118th Congress.



RECOMMENDATION 2: ENSURE THE WHITE HOUSE TASK FORCE TO ADDRESS ONLINE HARASSMENT AND ABUSE INCLUDES OSEAC REMEDIES IN ITS BLUEPRINT FOR ACTION

The White House Task Force to Address Online Harassment and Abuse plans to announce a blueprint for action 180 days after its formation, likely in December 2022. This blueprint will help guide future federal actions and could be impactful in directing the future of government intervention in online harms.

Since children and OSEAC were not explicitly mentioned during the Task Force readout, there is concern that OSEAC remedies may not be included in this forthcoming blueprint. Now, advocates should work to ensure that OSEAC and the needs of children are integrated into this document.

Ending OSEAC Coalition advocates should submit clear, actionable recommendations for the task force's consideration by September 19, 2022 and open and regular communication with task force leads should continue.

In their recommendations, advocates should encourage the Task Force to consult organizations with OSEAC expertise. Additionally, advocates should call on the Task Force to meet with youth stakeholders. Young people understand their own lives and deserve the opportunity to have their concerns heard and integrated into these recommendations.

"... there is considerable concern that OSEAC remedies will not be included in this forthcoming blueprint. Now, advocates should work to ensure that OSEAC and the needs of children are integrated into this document."



RECOMMENDATION 3: ADVOCATE FOR AND TRACK NON-FEDERAL LEGISLATION

U.S. federal action is unquestionably needed to comprehensively respond to OSEAC. However, certain policy movements at the state level or abroad may be easier to pass while still bringing about U.S. government level change.

Now that the Age-Appropriate Design Code Act in California has passed, online safety for children throughout the U.S. could improve, as companies adjust their policies to meet the stricter standards.

Legislation passed abroad could similarly impact tech company practices in the United States. Recent draft bills being considered in the EU and UK could set the tone for OSEAC response expectations globally. For example, as stricter protections pass and operate successfully in other countries, Ending OSEAC Coalition advocates can go to the U.S. federal government offices with real world examples of their policy asks.

By supporting non-federal OSEAC prevention legislation, and the Age-Appropriate Design Code in particular, advocates may have an avenue towards substantial improvements in children's online safety in the interim until there is federal movement. Additionally, tracking EU and UK policy developments gives advocates evidence to present federal offices on the practicality and importance of action on OSEAC.

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APPENDIX

APPENDIX 1. HOUSE HEARINGS 117TH CONGRESS

Date	Committee	Title	Main Topic	Witnesses	Chairs
June 14, 2022	House Energy and Commerce Committee	Protecting America's Consumers: Bipartisan Legislation to Strengthen Data Privacy and Security	Data privacy	Caitriona Fitzgerald, Electronic Privacy Information Center David Brody, Digital Justice Initiative Lawyers' Committee for Civil Rights Under Law Bertram Lee, Data Decision Making, and Artificial Intelligence Future of Privacy Forum Jolina Cuaresma, Privacy & Technology Policy Common Sense Media John Miller, Information Technology Industry Council Graham Dufault, ACT The App Association Doug Kantor, National Association of Convenience Stores Maureen K. Ohlhausen, Century Privacy Coalition	Pallone (D) and Schakowsky (D)
April 27, 2022	House Judiciary Committee	Oversight of Federal Efforts to Combat Human Trafficking	Human trafficking	Evelyn Chumbow, Greater Washington, DC Area Shamere McKenzie, Greater Washington, DC Area Cristian Eduardo, Greater New York City Area Terry FitzPatrick, Alliance to End Slavery and Trafficking (ATEST) Martina E. Vandenberg, The Human Trafficking Legal Center Jacquelyn Aluotto, No Trafficking Zone Sheriff Mark J. Dannels, Cochise County, AZ Jessica M. Vaughan, Center for Immigration Studies	Jackson Lee (D)
Dec 8, 2021	House Energy and Commerce Committee	Holding Big Tech Accountable: Legislation to Build a Safer Internet	Social media	Jonathan Greenblatt, Anti-Defamation League Nathalie Marechal, Ranking Digital Rights Josh Golin, Fairplay Rick Lane, Iggy Ventures LLC Jessica Rich, Bureau of Consumer Protection at the Federal Trade Commission	Pallone (D) and Schakowsky (D)

Date	Committee	Title	Main Topic	Witnesses	Chairs
Dec 1, 2021	House Energy and Commerce Committee	Holding Big Tech Accountable: Targeted Reforms To Tech's Legal Immunity	Social media – Section 230	Frances Haugen, Former Facebook Employee Rashad Robinson, Color of Change James Steyer, Common Sense Media Kara Frederick, The Heritage Foundation Hon. Karen Kornbluh, Digital Innovation and Democracy Initiative and Senior Fellow The German Marshall Fund of the United States Carrie Goldberg, Esq., C.A. Goldberg Law Firm, PLLC Matthew F. Wood, Free Press Action Mary Anne Franks, University of Miami School of Law and Cyber Civil Rights Initiative Eugene Volokh, UCLA School of Law Daniel A. Lyons, American Enterprise Institute	Pallone (D) and Doyle (D)
May 27, 2021	House Judiciary Committee	The SHOP SAFE Act: Stemming the Rising Tide of Unsafe Counterfeit Products Online	Online market-places	Kari Kammel, Center for Anti-Counterfeiting and Product Protection Michigan State University Meredith Simpson, Personal Care Products Council Jonathan Berroya, Internet Association Natasha N. Reed, Trademark, Copyright & Unfair Competition Practice Foley Hoag LLP	Johnson (D)
Mar 11, 2021	House Energy and Commerce Committee	Kids Online During Covid: Child Safety In An Increasingly Digital Age	Children's online safety	Ariel Fox Johnson, Common Sense Media Nusheen Ameenuddin, Council on Communications and Media American Academy of Pediatrics Corey A. DeAngelis, Reason Foundation, Cato Institute, and Educational Freedom Institute	Pallone (D) and Schakowsky (D)
May 27, 2021	House Judiciary Committee	The SHOP SAFE Act: Stemming the Rising Tide of Unsafe Counterfeit Products Online	Online market-places	Kari Kammel, Center for Anti-Counterfeiting and Product Protection Michigan State University Meredith Simpson, Personal Care Products Council Jonathan Berroya, Internet Association Natasha N. Reed, Trademark, Copyright & Unfair Competition Practice Foley Hoag LLP	Johnson (D)

APPENDIX 2. SENATE HEARINGS 117TH CONGRESS

Date	Committee	Title	Main Topic	Witnesses	Chairs
May 18, 2022	Senate Health, Education, Labor and Pensions Committee	Cybersecurity in the Health and Education Sectors	Cyber-security	Denise Anderson, Health Information Sharing and Analysis Joshua Corman, I am the Calvary Amy McLaughlin, Consortium of School Networking Helen Norris, Chapman University	Murray (D)
May 4, 2022	Senate Judiciary Committee	Platform Transparency: Understanding the Impact of Social Media	Social media	Brandon Silverman, CrowdTangle Nate Persily, Stanford Law School Daphne Keller, Stanford University Jim Harper, American Enterprise Institute Jonathan Haidt, New York University Stern School of Business	Coons (D)
Dec 9, 2021	Senate Commerce, Science, and Technology Committee	Disrupting Dangerous Algorithms: Addressing the Harms of Persuasive Technology	Online manipulation	Jessica J. González, Free Press Rose Jackson, Democracy & Tech Initiative and Digital Forensic Research Lab, Atlantic Council Dean Eckles, MIT Sloan School of Management James Poulos, the American Mind and the Claremont Institute	Luján (D)
Dec 8, 2021	Senate Commerce, Science, and Technology Committee	Protecting Kids Online: Instagram and Reforms for Young Users	Social media - children	Adam Mosseri, Instagram	Blumenthal (D)
Nov 2, 2022	Senate Judiciary Committee	Cleaning Up Online Marketplaces: Protecting Against Stolen, Counterfeit, and Unsafe Goods	Online marketplaces	Aaron Muderick, Crazy Aaron's Kari Kammel, Center For Anti-Counterfeiting & Product Protection and College of Law Michigan State University K. Dane Snowden, Internet Association Ben Dugan, CVS Health	Durbin (D)
Oct 26, 2021	Senate Commerce, Science, and Technology Committee	Protecting Kids Online: Snapchat, TikTok, and YouTube	Social media - children	Jennifer Stout, Snap Inc. Michael Beckerman, TikTok Leslie Miller, YouTube	Blumenthal (D)

Date	Committee	Title	Main Topic	Witnesses	Chairs
Oct 6, 2021	Senate Commerce, Science, and Technology Committee	Enhancing Data Security	Cyber-security	James E. Lee, Identity Theft Resource Center Jessica Rich, Bureau of Consumer Protection at Federal Trade Commission Edward W. Felten, Princeton University and Federal Trade Commission Kate Tummarello, Engine	Maria Cantwell (D)
Oct 5, 2021	Senate Commerce, Science, and Technology Committee	Protecting Kids Online: Testimony from a Facebook Whistleblower	Social media - children	Frances Haugen, Facebook whistleblower	Blumenthal (D)
Sept 30, 2021	Senate Commerce, Science, and Technology Committee	Protecting Kids Online: Facebook, Instagram, and Mental Health Harms	Social media - children	Antigone Davis, Facebook	Blumenthal (D)
Sept 21, 2021	Senate Judiciary Committee	Big Data, Big Questions: Implications for Competition and Consumers	Data privacy	Steve Satterfield, Facebook Markham Erickson, Google Sheila Colclasure, IPG Kinesso John Robb,The Global Guerrillas Report Acton Charlotte Slaiman, Public Knowledge	Klobuchar (D)
May 18, 2021	Senate Commerce, Science, and Technology Committee	Protecting Kids Online: Internet Privacy and Manipulative Marketing	Social media - children	Angela Campbell, Georgetown Law Serge Egelman, University of California Berkeley Beeban Kidron, 5Rights	Blumenthal (D)
April 27, 2021	Senate Judiciary Committee	Algorithms and Amplification: How Social Media Platforms' Design Choices Shape Our Discourse and Our Minds	Social media	Monika Bickert, Facebook Lauren Culbertson, Twitter Alexandra Veitch, YouTube Tristan Harris, Center for Humane Technology Joan Donovan, Harvard University	Coons (D)

APPENDIX 3. EARN IT ACT OP-EDS.

Position	Title	Publication	Author	Date	Summary
Oppose	New CEI Paper Lays Out the Worst in Tech Legislation	Comparative Enterprise Institute Blog	Alex Reinauer	July 14, 2022	A list of the “worst tech bills introduced in the 117th Congress” that includes the EARN IT Act.
	End-to-end encryption’s central role in modern self-defense	Ars Technica	Lily Hay Newman	July 7, 2022	Argues for the importance of online privacy rights as it relates to abortion.
	White conservatives use anti-pornography crusades to secure power	Washington Post	Kelsy Burke	July 6, 2022	Argues that bills like the EARN IT Act are used to accumulate power, not to truly protect the public.
	Section 230 Is a Last Line of Defense for Abortion Speech Online	Wired	Evan Greer and Lia Holland	June 29, 2022	Argues for online privacy rights by tying the issue to abortion.
	The brewing fight to keep abortion info online	The Verge	Adi Robertson	June 25, 2022	Supports cyber protections in a post-Roe America and says the EARN IT Act would endanger those protections.
	Another Issue With Internet Antitrust Bills: Sloppy Drafting Could Lead To Problems For Encryption	TechDirt	Mike Masnick	June 22, 2022	Argues that certain tech bills proposed, including the EARN IT Act, are flawed in compromising privacy protections.
	Hidden Anti-Cryptography Provisions in Internet Anti-Trust Bills	Security Boulevard	Bruce Schneier	June 21, 2022	Concerned with erosion of end-to-end encryption and mentions the EARN IT Act as an example.
	Network Encryption Market Size Predicted to Increase at a Positive CAGR Of 9.12% from 2022 to 2031	Digital Journal by SDKI Inc Global	Lauren Brown	June 8, 2022	Analysis of encryption trends that claims the EARN IT Act would erode, but not directly attack, encryption.

Position	Title	Publication	Author	Date	Summary
Oppose	EU Proposes It’s Own Version Of EARN IT: Effectively Mandates Full Surveillance Of All Messaging & No Encryption	TechDirt	Mike Masnick	May 12, 2022	Criticizes the EARN IT Act and compares it to new EU laws against CSAM, calling both “surveillance.”
	People Are Lying To The Media About EARN IT; The Media Has To Stop Parroting Their False Claims	TechDirt	Mike Masnick	April 27, 2022	Responds to an MIT Technology Review news article from the day before. Says that the EARN IT Act is a surveillance bill and that other protections already exist in law against CSAM.
	Is the new EARN IT Act “new wine in an old bottle”? Whatever it is, we’re not buying it.	Public Knowledge	Lisa Macpherson and John Bergmayer	March 21, 2022	Criticizes the EARN IT Act, saying that the legislation violates freedom of expression and encryption protections. It also claims the bill would not be effective for its stated goal, pointing to the unintended consequences of FOSTA-SESTA on sex workers.
	An education-based approach to curbing CSAM production – Brookings Institution	Brookings Institution	Savannah Sly and Tarah Wheeler	March 17, 2022	Draws parallels to FOSTA-SESTA, saying that this bill will not effectively stop CSAM. It also raises concerns for how CSAM material will be identified. The article takes issue with how encryption will be impacted, saying that the internet will be less safe and private for users.
	Why The EARN IT Act Isn’t Sufficient To Protect Children Online	Ad Exchanger	Alyssa Boyle	March 14, 2022	Claims that the EARN IT Act is really focused on limiting Big Tech, not on protecting children. It points back to past efforts to alter Section 230 and says that those efforts have been ineffective. It also criticizes how the legislation would likely limit end-to-end encryption and deputizes Tech companies to search for CSAM material.

Position	Title	Publication	Author	Date	Summary
Oppose	THE EARN IT ACT The bill you've never heard of that's going to destroy the internet	Philidelphia Weekly	Timaree Schmit	March 14, 2022	Notes that members of marginalized groups have come out against the bill with several concerns. It argues that the EARN IT Act may erode online privacy, make it more difficult to find predators, and could lead to censoring of sexuality information. The article references FOSTA-SESTA as evidence.
	EARN IT and the danger of making the internet safe for kids	Vox	Sara Morrison	March 14, 2022	Criticizes the EARN IT Act and points to it as an invasion of privacy. Claims it is a FOSTA-SESTA repeat.
	How the U.K. and the Senate Judiciary Committee Are Being Dangerously Foolish About Cryptography	Lawfare	Susan Landau	March 1, 2022	Says the EARN IT Act would decrease privacy and national security. Argues that targeting encryption is not an effective target for addressing OSEAC. The op-ed draws comparisons to FOSTA_SESTA and says the legislation fails to account for the international reality of this kind of crime.
	Opinion: A bill taking aim at online child pornography comes with dangerous tradeoffs	Washington Post	Editorial Board	Feb 24, 2022	Argues that a more gradual approach balancing both harm reduction and encryption protection should be used instead of the EARN IT Act.
	EARN IT Act Abuses Privacy in the Guise of Protecting Kids	Reason Magazine	JD Tuccille	Feb 16, 2022	Argues that the bill is more of a battle on encryption than an effort to hold companies accountable.
	The EARN IT Act Will Have Far-reaching Implications for the Internet	Inside Sources	Michael McGrady	Feb 15, 2022	Draws connections to FOSTA-SESTA, saying the legislation erodes privacy and encryption protections, especially those for sex workers. Also connects this legislation to larger anti-porn movements. Says the legislation will undermine privacy rights by providing an encryption backdoor.

Position	Title	Publication	Author	Date	Summary
Oppose	The EARN IT Act Would Give Criminal Defendants a Get-Out-of-Jail-Free Card	Slate	Kir Nuthi	Feb 11, 2022	Says that the bill will make it difficult to prosecute CSAM cases by making evidence inadmissible in court. Also says the bill erodes privacy rights.
	The EARN IT Act: The Wrong Solution to a Complex Problem	Circle ID	Jeremy Malcolm	Feb 8, 2022	Argues that the EARN IT Act could push companies to use experimental AI technologies, which may inaccurately block certain content and invade privacy. Also argues that the bill does not address the root of the problem, by claiming that many CSAM reports are duplicates and many go uninvestigated due to a lack of capacity from law enforcement regardless.
Support	Getting Transparency Right	Lawfare	Daphne Keller and Max Levy	July 11, 2022	Argues for the importance of digital regulation more generally, gives nuanced approval to EARN IT Act.
	Section 230 Reform is a Hammer. Not Every Problem is a Nail	Newsweek	Mike Wacker	March 18, 2022	Says that Section 230 reform is appropriate in certain circumstances (like in the EARN IT Act and SESTA-FOSTA), but that cautions against using Section 230 to censor speech.
	EARN IT could offer framework for better platform moderation	The Hill	Kristian Stout	Feb 21, 2022	Says the legislation is mostly good, but could do some harm if it does not consider what is “reasonable moderation.” Argues that encryption might be acceptable in some environments, but not in others.

APPENDIX 4. ORGANIZATIONAL STATEMENTS ON EARN IT ACT

This compilation consists of statements and quotes that have been released publicly online. Other organizations may also have positions on the legislation.

Position	Name	Type	Evidence
Oppose	ACLU	Civil Liberties	2.3.22 statement, 6.30.20 statement, 3.5.20 statement
	American Action Forum	Policy	2.23.22 statement
	Americans for Prosperity	Civil Liberties	2.3.22 statement, 9.17.20 statement, 3.5.20 statement
	Center for Democracy & Technology	Civil Liberties (tech specific)	2.1.22 Statement
	EFF	Civil Liberties (tech specific)	8.5.22 statement, 5.11.22 statement, 4.6.22 Event, 3.14.22 OP-Ed where author uses condemning quotes from EFF, 2.10.22 news article that quotes EFF, 2.9.22 Statement
	Fight for the Future	Civil Liberties (tech specific)	6.26.22 article quoting Fight for the Future, 6.29.20 statement
	Free Speech Coalition	Civil Liberties	3.10.22 statement, 2.11.22 statement, 2.9.22 action alert
	Freedom of the Press Foundation	Civil Liberties	2.8.22 Statement
	GLADD	Civil Liberties	7.13.22 article
	Knight First Amendment Institute	Academia	6.26.22 article
	Hacking // Hustling	Civil Liberties (tech specific)	7.22.22 news article, 7.3.20 tweet on the issue
	Stanford Internet Observatory	Academia	2.10.22 Professor at the institute quoted
	Survive EARN IT Act	Civil Liberties (tech specific)	2.22.22 hosted a webinar
	Tech Freedom	Civil Liberties (tech specific)	9.3.20 statement
	Protasia Foundation	Child protection	5.2.22 posted call to action

Position	Name	Type	Evidence
Support	EPCAT	Child Protection	6.15.20 Statement
	Exodus Cry	Sexual Violence	6.26.22 article about event
	Global Sisters Report	Religious	2.16.22 Statement
	National District Attorney Association	Law Enforcement	2.8.22 article explaining the National District Attorneys Association endorsement of the bill
	National Center on Sexual Exploitation	Sexual Violence	6.26.22 article about event, 2.10.22 statement, 1.31.22 statement
	National Center for Missing and Exploited Children	Child Protection	1.31.22 statement, 3.5.20 statement

APPENDIX 5. CONGRESSIONAL STATEMENTS ON EARN IT ACT

This compilation consists of statements and quotes that have been released publicly online. Other members may also have positions on the legislation.

Position	Member	Evidence
Oppose	Sen. Booker (D-NJ)	2.10.22 news coverage
	Sen. Coons (D-DE)	2.16.22 op-ed that quotes Sen. Coons' critical statements on the bill
	Sen. Lee (R-UT)	2.16.22 op-ed that quotes Sen. Lee's critical statements on the bill, 2.11.22 News coverage, 2.10.22 News coverage where Sen. Lee says that an amendment protecting encryption should be added
	Sen. Ossoff (D-GA)	2.10.22 News coverage where Sen. Ossoff introduced letter from dissenters into the record
	Sen. Padilla (D-CA)	2.10.22 news coverage
	Sen. Wyden (D-OR)	3.14.22 op-ed where the author quotes Sen. Wyden's critical views of the bill, 2.10.22 News coverage, 7.6.20 news coverage
Support	Sen. Blumenthal (D-CT)	2.11.22 News coverage, 2.10.22 News coverage, 2.1.22 bill announcement with supportive statement, 2.1.22 News coverage
	Sen. Collins (R-ME)	2.1.22 bill announcement with supportive statement
	Sen. Cortez Masto (D-NV)	2.1.22 bill announcement with supportive statement
	Sen. Durbin (D-IL)	2.1.22 bill announcement with supportive statement
	Sen. Ernst (R-IA)	2.1.22 bill announcement with supportive statement
	Sen. Feinstein (D-CA)	2.1.22 bill announcement with supportive statement
	Sen. Graham (R-SC)	8.7.22 news coverage, 2.11.22 News coverage, 2.1.22 bill announcement with supportive statement, 2.1.22 News coverage, 7.6.20 News coverage
	Sen. Hassan (D-NH)	2.1.22 bill announcement with supportive statement
	Sen. Hawley (R-MO)	2.1.22 News coverage, 2.1.22 bill announcement with supportive statement
	Sen. Hyde-Smith (R-MS)	2.1.22 bill announcement with supportive statement
	Sen. Murkowski (R-AK)	2.1.22 bill announcement with supportive statement
	Sen. Portman (R-OH)	2.1.22 bill announcement with supportive statement
	Sen. Warner (D-VA)	2.1.22 bill announcement with supportive statement

APPENDIX 6. ORGANIZATIONAL STATEMENTS ON THE END CHILD EXPLOITATION ACT

This compilation consists of statements and quotes that have been released publicly online. Other organizations may also have positions on the legislation.

Position	Name	Type	Evidence
Oppose	None		
Support	Augusta Associates, LLC	Consultancy	10.27.22 joint letter
	Brave Movement	Child Protection	10.27.22 joint letter
	The Carly Ryan Foundation	Child Protection	10.27.22 joint letter
	ChildFund International	Child Protection	12.13.21 joint letter
	Child USA	Child Protection	12.13.21 joint letter
	Darkness to Light	Child Protection	10.27.22 joint letter
	ECPAT USA	Child Protection	2.7.22: Statement, 12.13.21 joint letter
	Enough is Enough	Child Protection	12.13.21 joint letter
	Human Trafficking Institute	Sexual Violence	12.13.21 joint letter
	International Justice Mission	End Slavery	12.13.21 joint letter
	Keep Kids Safe	Child Protection	10.27.22 joint letter
	Lynn's Warriors	Child Protection	12.13.21 joint letter
	Monique Burr Foundation	Child Protection	12.13.21 joint letter
	National Center for Missing and Exploited Children	Child Protection	12.13.21 joint letter
	National Center for Sexual Exploitation	Sexual Violence	12.13.21 joint letter
	National Children's Alliance	Child Protection	12.13.21 joint letter
	National Criminal Justice Training Center	Law Enforcement	12.13.21 joint letter
	Protect Young Eyes	Child Protection	12.13.21 joint letter
	RAINN	Sexual Violence	12.13.21 joint letter
	Raven	Law Enforcement	10.27.22 joint letter
	Rights4Girls	Child Protection	10.27.22 joint letter
	SNAP	Sexual Violence	12.13.21 joint letter
	Thorn	Child Protection	12.13.21 joint letter
	UNICEF USA	Child Protection	12.13.21 joint letter
	World Vision	Child Protection	10.27.22 joint letter

APPENDIX 7. CONGRESSIONAL STATEMENTS ON END CHILD EXPLOITATION ACT

This compilation consists of statements and quotes that have been released publicly online. Other members may also have positions on the legislation.

Position	Member	Evidence
Oppose	None	
Support	Sen. Blackburn (R-TN)	2.10.19 statement

APPENDIX 8. NEWLY INTRODUCED FEDERAL LEGISLATION – HOUSE

Bills with an asterisk have also been introduced in the Senate.

Bill # / P.L. #	Congress	Title	Sponsors	Vote	Programs Involved or Law Amended
H.R.3611	117th	Algorithmic Justice and Online Platform Transparency Act	Matsui (D)	Referred to the House Energy and Commerce Subcommittee on Consumer Protection and Commerce	
*H.Res.358	117th	A resolution recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.	Speier (D)	Referred to House Judiciary Committee	
H.Res.721	117th	Calling for the establishment of an app ratings board to enforce consistent and accurate age and content ratings of apps on internet-ready devices and calling on technology companies to ensure the implementation of user-friendly and streamlined parental controls on devices used by minors.	Johnson (R)	Referred to the House Energy and Commerce Subcommittee on Consumer Protection and Commerce	
H.Res. 853	117th	Calling on the United States and international donors to prioritize children, including the efforts of UNICEF, in COVID-19 rebuilding efforts.	Jacobs (D)	Referred to the House Foreign Affairs Subcommittee on International Development, International Organizations and Global Corporate Social Impact	

Bill # / P.L. #	Congress	Title	Sponsors	Vote	Programs Involved or Law Amended
H.R.285	117th	CASE-IT Act	Steube (R)	Referred to the House Energy and Commerce Subcommittee on Communications and Technology	Section 230 of the Communications Act of 1934
H.R.5884	117th	CHILD Rescue Act	Spanberger (D)	Referred to the House Committee on the Judiciary	
H.R.3184	117th	Civil Rights Modernization Act of 2021	Clarke (D)	Referred to the House Energy and Commerce Subcommittee on Communications and Technology	Section 230 of the Communications Decency Act of 1934
H.R.6083	117th	Deceptive Experiences To Online Users Reduction Act	Rochester (D)	Referred to the House Energy and Commerce Subcommittee on Consumer Protection and Commerce	
H.R.6796	117th	Digital Services Oversight and Safety Act of 2022	Trahan (D)	Referred to the House Energy and Commerce Subcommittee on Consumer Protection and Commerce	
*H.R.6544	117th	EARN IT Act	Garcia (D)	Referred to the House Energy and Commerce Subcommittee on Communications and Technology	Section 230 of the Communications Decency Act of 1934
*H.R. 8061	117th	Eliminating Limits to Justice for Child Sex Abuse Victims Act	Ross (D)	Referred to the House Committee on the Judiciary	Title 18, United States Code

Bill # / P.L. #	Congress	Title	Sponsors	Vote	Programs Involved or Law Amended
*H.R.1377	117th	Emergency Funding for Child Protection Act	Schrier (D)	Referred to appropriations and budget committee	
*H.R.1198	117th	END Child Exploitation Act	Gonzalez (R)	Referred to the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security	Title 18, United States Code
H.Res.924	117th	Expressing support for designation of the month of February 2022 as "National Teen Dating Violence Awareness and Prevention Month"	Wexton (D)	Referred to House Judiciary Committee	
*H.Res.1073	117th	Expressing support for the goals and ideals of National Child Abuse Prevention Month	Katko (R)	Referred to the House Committee on Education and Labor	
*H.R.4989	117th	Human Trafficking and Exploitation Prevention Training Act	Buchanan (R)	Referred to the House Energy and Commerce Subcommittee on Health	Public Health Service Act
*H.R.807	117th	Invest in Child Safety Act	Eshoo (D)	Referred to the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security	
*H.R.1865	117th	Jenna Quinn's Law	Wild (D)	Referred to House Ed and Labor Committee	Child Abuse Prevention and Treatment Act
H.R.5596	117th	Justice Against Malicious Algorithms Act of 2021	Pallone (D)	Referred to the House Energy and Commerce Subcommittee on Communications and Technology	Section 230 of the Communications Decency Act of 1934

Bill # / P.L. #	Congress	Title	Sponsors	Vote	Programs Involved or Law Amended
*H.R.5439	117th	Kids Internet Design and Safety Act	Castor (D)	House: Referred to Energy and Commerce Committee	
H.R.6027	117th	Online Privacy Act of 2021	Eshoo (D)	Referred to the House Energy and Commerce Subcommittee on Consumer Protection and Commerce	
H.R.4801	117th	Protecting the Information of our Vulnerable Children and Youth Act	Castor (D)	Referred to the House Energy and Commerce Subcommittee on Consumer Protection and Commerce	Children's Online Privacy Protection Act of 1998
*H.R.7263	117th	PROTECT Kids Act	Buck (R)	Referred to House Judiciary Committee	Title 18, United States Code
H.R.601	117th	Reporting Accountability and Abuse Prevention Act of 2021	Smucker (R)	Referred to the House Energy and Commerce Subcommittee on Health	Title X of the Public Health Service Act
H.R.4860	117th	Statutes of Limitation for Child Sexual Abuse Reform Act	Wexton (D)	Referred to the House Committee on Education and Labor	Child Abuse Protection and Treatment Act
H.R.2000	117th	Stop Shielding Culpable Platforms Act	Banks (R)	Referred to the House Energy and Commerce Subcommittee on Communications and Technology	Section 230 of the Communications Act of 1934
H.R. 485	117th	Stronger Child Abuse Prevention and Treatment Act	Scott (D)	Passed House by 345 - 73, referred to the Senate HELP Committee	Child Abuse Prevention and Treatment Act

Bill # / P.L. #	Congress	Title	Sponsors	Vote	Programs Involved or Law Amended
H. R.3792	117th	STRONG Support for Children Act of 2021	Pressley (D)	Referred to House Energy and Commerce Subcommittee on Health	Public Health Service Act
H.R.2739	117th	SURVIVE Act	O'Halleran (D)	Referred to House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security	The Victims of Crime Act of 1984
H.R.566*	117th	To amend section 105(a) of the Child Abuse Prevention and Treatment Act to authorize the Secretary of Health and Human Services to award a grant to a nonprofit entity for a national child abuse hotline.	McBath (D)	Referred to the House Committee on Education and Labor	Child Abuse Prevention and Treatment Act
*H.R.6552	117th	Trafficking Victims Prevention and Protection Reauthorization Act of 2022	House: Smith (R)	House: Referred to Senate Foreign Affairs Committee	Trafficking Victims Prevention and Protection Act
*H.R.7613	117th	21st Century FREE Speech Act	House: Greene (R)	House: Referred to House Energy and Commerce Committee	Section 230 of the Communications Decency Act of 1934
*P.L. 117-103	117th	Violence Against Women Reauthorization Act of 2022	House: Jeffries (D)	Passed in House Consolidated Appropriations Act	Violence Against Women Act

APPENDIX 9. NEWLY INTRODUCED FEDERAL LEGISLATION – SENATE

Bills with an asterisk have also been introduced in the House.

Bill # / P.L. #	Congress	Title	Sponsors	Vote	Programs Involved or Law Amended
S.931	117th	A bill to amend the Internal Revenue Code of 1986 to ensure that the 2021 recovery rebates as provided for in the American Rescue Plan Act are not provided to prison inmates convicted of child sex abuse and that such sums shall be redirected to the Department of Justice to be paid out in the form of restitution to compensate victims of crime	Cruz (R)	Referred to the Senate Committee on Finance	Internal Revenue Code of 1986
S.3946	117th	Abolish Human Trafficking Reauthorization Act of 2022	Cornyn (R)	Referred to Senate Judiciary Committee	Trafficking Victims Protection Act
*S.Res.222	117th	A resolution recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.	Feinstein (D)	UC	
S.Res.138	117th	A resolution urging the European Parliament to exempt certain technologies used to detect child sexual exploitation from European Union ePrivacy directive	Cotton (R)	Referred to the Senate Committee on Foreign Relations	
S.1927	117th	CAPTA Reauthorization Act of 2021	Murray (D)	Placed on Senate Calendar	Child Abuse Prevention and Treatment Act
S.1628	117th	Children and Teens' Online Privacy Protection Act	Markey (D)	Ordered to be reported with an amendment in the nature of a substitute favorably	Children's Online Privacy Protection Act of 1998

Bill # / P.L. #	Congress	Title	Sponsors	Vote	Programs Involved or Law Amended
S.1423	117th	Clean Slate for Kids Online Act of 2021	Durbin (D)	Referred to Senate Commerce, Science, and Transportation.	Children's Online Privacy Protection Act of 1998
S.1494	117th	Consumer Data Privacy and Security Act of 2021	Moran (R)	Referred to Senate Commerce, Science, and Transportation.	
*S.3538	117th	EARN IT Act	Graham (R)	Ordered to be reported without amendment favorably.	
*S.3103	117th	Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022	Durbin (D)	UC	Title 18, United States Code
*S.462	117th	Emergency Funding for Child Protection Act	Casey (D)	Referred to Senate HELP Committee	
*S.365	117th	END Child Exploitation Act	Blackburn (R)	Referred to Senate Judiciary Committee	Title 18, United States Code
S.3088	117th	Five Freedoms for America's Children Act	Casey (D)	Referred to the Senate Committee on Finance	Child Abuse Prevention and Treatment Act
S.4115	117th	Fairness for Crime Victims Act of 2022	Toomey (R)	Referred to the Senate Committee on the Budget	Crime Victims Fund
*S.2136	117th	Human Trafficking and Exploitation Prevention Training Act of 2021	Murkowski (R)	Referred to Senate HELP	Public Health Service Act
S.3594	117th	Holding Violent Criminals and Child Predators Accountable Act of 2022	Ernst (R)	Referred to Senate Judiciary Committee	Title 18, United States Code
*S.223	117th	Invest in Child Safety Act	Wyden (D)	Referred to the House Committee on Homeland Security and Governmental Affairs	

Bill # / P.L. #	Congress	Title	Sponsors	Vote	Programs Involved or Law Amended
*S.734	117th	Jenna Quinn's Law	Cornyn (R)	Referred to Senate HELP Committee	Child Abuse Prevention and Treatment Act
S.765	117th	Keeping Women and Girls Safe from the Start Act of 2021	Menendez (D)	Referred to Senate Foreign Relations Committee	
*S.2918	117th	Kids Internet Design and Safety Act	Markey (D)	Referred Senate to Commerce, Science, and Technology	
S.3663	117th	Kids Online Safety Act	Blumenthal (D)	Referred to Senate Commerce, Science, and Technology Committee	
*S.886	117th	National Child Abuse Help Hotline Act of 2021	Collins (R)	Referred to Senate HELP Committee	
S.3107	117th	No Time Limit for Justice Act	Gillibrand (D)	Referred to Senate Judiciary	STOP Violence Against Women Formula Grant Program
S.4719	117th	Preventing Child Sex Abuse Act	Grassley (R)	Referred to Senate Judiciary Committee	Title 18, United States Code
*S.3951	117th	PROTECT Kids Act	Hawley (R)	Referred to Senate Judiciary Committee	Title 18, United States Code
S.3975	117th	Victims of Child Abuse Act Reauthorization Act of 2022	Coons (D)	Referred to the Senate Committee on the Judiciary	Victims of Child Abuse Act of 1990
S.299	117th	SAFE TECH Act	Warner (D)	Referred to the Senate Committee on Commerce, Science, and Transportation	Section 230 of the Communications Decency Act of 1934

Bill # / P.L. #	Congress	Title	Sponsors	Vote	Programs Involved or Law Amended
S.27	117th	See Something, Say Something Online Act of 2021	Manchin (D)	Referred to Senate Commerce, Science, and Transportation.	Section 230(e) of the Communications Decency Act of 1934
*S.3949	117th	Trafficking Victims Prevention and Protection Reauthorization Act of 2022	Grassley (R)	Referred to Senate Judiciary Committee	Trafficking Victims Prevention and Protection Act
*S.1384	117th	21st Century FREE Speech Act	Hagerty (R)	Referred to Senate Commerce, Science, and Transportation Committee	Section 230 of the Communications Decency Act of 1934
*P.L. 117-103	117th	Violence Against Women Reauthorization Act of 2022	Feinstein (D)	Passed Senate 68-31	Violence Against Women Act

APPENDIX 10. NEWLY INTRODUCED FEDERAL LEGISLATION SUMMARIES

Legislation	Summary <i>from Congress.gov</i>
A bill to amend the Internal Revenue Code of 1986 to ensure that the 2021 recovery rebates as provided for in the American Rescue Plan Act are not provided to prison inmates convicted of child sex abuse and that such sums shall be redirected to the Department of Justice to be paid out in the form of restitution to compensate victims of crime.	This bill prohibits the payment of 2021 recovery rebates to prisoners convicted or confined for a sex offense involving a minor child under federal or state law. The bill requires such rebates to be paid to the Crime Victims Fund to compensate victims of crimes.
Abolish Human Trafficking Reauthorization Act of 2022	To reauthorize the Trafficking Victims Protection Act
Algorithmic Justice and Online Platform Transparency Act	This bill establishes requirements for certain commercial online platforms (e.g., social media sites) that withhold or promote content through algorithms and related computational processes that use personal information. Additionally, platforms may not (1) employ algorithms or other design features that result in discrimination or similar harms based on demographic or biometric factors, or (2) process information such that it impairs voting rights. Further, users of a platform may not violate civil rights laws using the platform’s algorithms.
A resolution recognizing and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.	This resolution expresses support for National Sexual Assault Awareness and Prevention Month.
A resolution urging the European Parliament to exempt certain technologies used to detect child sexual exploitation from European Union ePrivacy directive	This resolution urges the European Parliament to enact legislation that allows electronic service providers to continue using certain technologies to detect child sexual exploitation.
CAPTA Reauthorization Act of 2021	To reauthorize state and community-based child abuse prevention grants.

Legislation	Summary from Congress.gov
Calling for the establishment of an app ratings board to enforce consistent and accurate age and content ratings of apps on internet-ready devices and calling on technology companies to ensure the implementation of user-friendly and streamlined parental controls on devices used by minors.	This resolution calls for technology and application (app) development companies to create an app rating board that establishes new criteria for age-appropriate app ratings, and it calls on technology companies to manufacture internet-ready devices with user-friendly parental controls and default safety settings.
Calling on the United States and international donors to prioritize children, including the efforts of UNICEF, in COVID-19 rebuilding efforts.	This resolution calls on the United States to increase support for and work with international partners, including the United Nations Children's Fund (UNICEF), to address the education and health needs of every child as the world recovers and rebuilds from the global pandemic.
CASE-IT Act	This bill limits the protections for a user or provider of an interactive computer service (e.g., social media company) related to content that is published on or removed from its platform. The bill removes for one year the protection from being treated as the publisher of information provided by another content provider if a user or provider facilitates (1) illegal online content; (2) certain exploitive contact between adults and minors; or (3) content that is indecent, obscene, or otherwise harmful to minors. Further, to avoid being treated as the publisher of third-party content or subject to liability for screening and blocking content on its platform, an interactive computer service that is dominant in its market (i.e., has gained substantial, sustained market power over any competitors) must make content moderation decisions pursuant to policies or practices that are consistent with the First Amendment.
Children and Teens' Online Privacy Protection Act	This bill extends to minors (ages 12-16) privacy protections previously applicable only to children (ages 0-12) and otherwise establishes greater online privacy protections for children and minors.
CHILD Rescue Act	This bill directs the Department of Justice to establish a national working group—the United States Working Group on Children in Imminent Danger—to study policing strategies and resource needs to rescue children who are victims of child sexual abuse material or victims of sexual abuse involving child sexual abuse material.

Legislation	Summary from Congress.gov
Civil Rights Modernization Act of 2021	This bill specifies that the federal liability protection that a provider of an interactive computer service (e.g., a social media company) receives for content provided by third parties does not apply to certain advertisements that target users who are part of a protected class or have a protected status.
Clean Slate for Kids Online Act of 2021	This bill allows individuals over age 13 (or their guardians, if applicable) to request the deletion of information collected from or about them while they were under age 13 by a website or online service that is directed to children.
Consumer Data Privacy and Security Act of 2021	This bill allows individuals over age 13 (or their guardians, if applicable) to request the deletion of information collected from or about them while they were under age 13 by a website or online service that is directed to children.
Deceptive Experiences To Online Users Reduction Act	This bill prohibits large online operators from manipulating their product to mislead consumers into providing personal information or giving consent. The bill further prohibits these operators from studying the behavioral patterns of subsets of users without first obtaining informed consent, and it prohibits designing online products that lead to compulsive usage by children.
Digital Services Oversight and Safety Act of 2022	This bill establishes the Bureau of Digital Services Oversight and Safety within the Federal Trade Commission to provide oversight for content moderation by online platforms (e.g., social media companies). Specifically, the commission and the bureau may conduct investigative studies concerning the dissemination of illegal content or goods through the platforms, discrimination of individuals by the platforms, and the risk of harm caused by the malfunction or intentional manipulation of the platforms.

Legislation	Summary from Congress.gov
EARN IT Act	The bill establishes the National Commission on Online Child Sexual Exploitation Prevention. The commission must develop best practices for interactive computer services providers (e.g., Facebook and Twitter) to prevent, reduce, and respond to the online sexual exploitation of children. Additionally, the bill limits the liability protections of interactive computer service providers with respect to claims alleging violations of child sexual exploitation laws. Finally, the bill makes changes to the reporting requirements for electronic communication service providers and remote computing service providers (providers) who report apparent instances of crimes involving the sexual exploitation of children to the National Center for Missing and Exploited Children. Among the changes, the bill requires providers to report facts and circumstances sufficient to identify and locate each minor and each involved individual. The bill also increases the amount of time that providers must preserve the contents of a report.
Eliminating Limits to Justice for Child Sex Abuse Victims Act of 2022	This bill eliminates the statute of limitations for a minor victim of a human trafficking offense or federal sex offense to file a civil action to recover damages.
Emergency Funding for Child Protection Act	This bill funds additional grants to states for child abuse or neglect prevention and treatment programs in response to the COVID-19 (i.e., coronavirus disease 2019) pandemic. Specifically, states may use such grants to expand services, provide support to community-based organizations, purchase emergency supplies, and provide temporary direct payments to families caring for children under protective services supervision that are awaiting approval for government assistance, among other uses. The bill does not require states to match funding under these grants. The bill also provides funding to operate and expand the national child abuse hotline.

Legislation	Summary from Congress.gov
END Child Exploitation Act	This bill modifies the reporting requirements for electronic communication service providers and remote computing service providers (providers) that report information to the CyberTipline of the National Center for Missing and Exploited Children on crimes involving the sexual exploitation of children. Specifically, the bill increases the amount of time—from 90 days to 180 days—that a provider must preserve the contents of a report. Additionally, the bill permits a provider to voluntarily retain the contents for longer than 180 days to reduce the proliferation of or to prevent the online sexual exploitation of children.
Expressing support for designation of the month of February 2022 as "National Teen Dating Violence Awareness and Prevention Month"	This resolution supports the designation of National Teen Dating Violence Awareness and Prevention Month.
Expressing support for the goals and ideals of National Child Abuse Prevention Month	This resolution expresses support for National Child Abuse Prevention Month.
Human Trafficking and Exploitation Prevention Training Act of 2021	This bill establishes demonstration grants to train students, teachers, and school and youth development personnel how to better understand, recognize, prevent, and respond to human trafficking and the exploitation of children any youth. Eligible grantees include tribal nations and organizations, nonprofits, state agencies, and elementary and secondary schools. The Office on Trafficking in Persons within the Administration for Children and Families must award the grants.
Holding Violent Criminals and Child Predators Accountable Act of 2022	This bill would increase the penalties for violent offenders and child predators, including life imprisonment for repeat offenders.

Legislation	Summary from Congress.gov
Invest in Child Safety Act	The bill establishes within the Executive Office of the President a new office to coordinate federal efforts to prevent, investigate, prosecute, and treat victims of child exploitation. Additionally, it establishes the Child Sexual Exploitation Treatment, Support, and Prevention Fund to make grants and fund federal efforts to treat and support victims of child sexual exploitation and evidence-based programs and services to prevent child sexual exploitation. Finally, the bill makes changes to the reporting requirements for electronic communication service providers and remote computing service providers (providers) who report apparent instances of crimes involving the sexual exploitation of children.
Jenna Quinn’s Law	This bill allows the Department of Health and Human Services to provide grants for evidence-informed child sexual abuse awareness and prevention programs. The grants may be awarded for a period of up to five years.
Justice Against Malicious Algorithms Act of 2021	This bill limits federal liability protection that applies to a provider of an interactive computer service (e.g., a social media company) for claims related to content provided by a third party if the provider makes personalized recommendations of online content that cause physical or emotional injury.
Fairness for Crime Victims Act of 2022	This bill will curtail the use of changes in mandatory programs affecting the Crime Victims Fund to inflate spending.
Five Freedoms for America’s Children Act	This bill increases funding for a number of child-related programs, including those related to the Child Abuse Prevention and Treatment Act.
Keeping Women and Girls Safe from the Start Act of 2021.	This bill requires the Department of State to carry out activities under the Safe from the Start program to prevent, mitigate, and respond to gender-based violence in humanitarian emergencies around the world. (The Safe from the Start program addresses childhood exposure to violence.)

Legislation	Summary from Congress.gov
Kids Internet Design and Safety Act	This bill prohibits operators of commercial online platforms that are directed to children from engaging in certain practices, including implementing features that encourage additional engagement with the platform, promoting certain types of content, and using certain advertising methods.
Kids Online Safety Act	This bill requires social media platforms to institute safety features for children and requires the most protective features to be their default settings. Platforms would also be required to conduct yearly audits on safety risks to minors.
No Time Limit for Justice Act	This bill directs the Department of Justice to increase a state's allocation of funds under the STOP Violence Against Women Formula Grant Program if, under the laws of the state, child sexual abuse criminal offenses and civil actions authorizing damages for victims of child sexual abuse are not subject to a statute of limitations.
Online Privacy Act of 2021	This bill establishes certain online privacy rights for personal information (including contents of communications) and certain requirements for data processors, service providers, and third parties. The bill also establishes the Digital Privacy Agency.
Preventing Child Sex Abuse Act	This bill updates regulations banning child sexual abuse, specifically as it relates to interstate cases or those committed under the guise of charity.
Protecting the Information of our Vulnerable Children and Youth Act	This bill would ban targeted advertisements aimed at children under 13, while also granting children and their guardians the right to request content deletion.
PROTECT Kids Act	The bill raises the age for parental consent protections for children online from under 13 to under 16, adds geolocation and biometric information to protected personal information, and extends all protections for children online to mobile applications. The bill also requires the operator of a website, online service, or mobile application to delete a child's personal information upon the verified request of a parent, and it prohibits such operator from terminating service to a child whose parent has refused to permit further collection or use of that child's personal information.

Legislation	Summary from Congress.gov
Reporting Accountability and Abuse Prevention Act of 2021	This bill requires recipients of grants for family planning services to demonstrate their compliance with state and local laws that mandate reporting of child abuse, human trafficking, or other mistreatment.
SAFE TECH Act	This bill limits federal liability protection that applies to a user or provider of an interactive computer service (e.g., a social media company) for claims related to content provided by third parties. Specifically, the bill applies the liability protection to claims arising from third-party speech rather than third-party information. Additionally, the liability protection shall not apply if a user or provider (1) accepts payment to make the speech available, or (2) creates or funds (in whole or in part) the speech.
See Something, Say Something Online Act of 2021	This bill requires an interactive computer service (e.g., a social media company) that detects a suspicious transmission to submit a suspicious transmission activity report (STAR) describing the suspicious transmission. A suspicious transmission is any post, message, comment, tag, or other user-generated content or transmission that commits, facilitates, incites, promotes, or otherwise assists the commission of a major crime.
Statutes of Limitation for Child Sexual Abuse Reform Act	To incentivize States to eliminate civil and criminal statutes of limitations and revive time-barred civil claims for child abuse cases, and for other purposes.
Stop Shielding Culpable Platforms Act	<p>This bill modifies provisions relating to the liability of a provider or user of an interactive computer service (e.g., a social media company) for material placed on its platform by another information content provider.</p> <p>Under current law, a provider or user of an interactive computer service is not considered the publisher or speaker of any information provided by another information content provider. The bill specifies that a provider or user of an interactive computer service may still be treated as a distributor of such information.</p>
Stronger Child Abuse Prevention and Treatment Act	This bill reauthorizes through FY2027 and revises the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 to expand services for preventing and treating child abuse.

Legislation	Summary from Congress.gov
STRONG Support for Children Act of 2021	This bill establishes two grant programs for governmental health departments to prevent and mitigate childhood trauma and adverse childhood experiences.
SURVIVE Act	This bill establishes a grant program through which the Department of Justice's Office for Victims of Crime must make grants for Indian tribes to provide programs and services to crime victims. These programs and services include domestic violence shelters, rape crisis centers, child abuse programs, child advocacy centers, elder abuse programs, medical care, legal services, relocation assistance, and transitional housing. In addition, the bill makes 5% of the Crime Victims Fund available for these grants.
To amend section 105(a) of the Child Abuse Prevention and Treatment Act to authorize the Secretary of Health and Human Services to award a grant to a nonprofit entity for a national child abuse hotline / National Child Abuse Help Hotline Act of 2021	This bill provides for a grant to establish and operate a national hotline that makes available assistance and information services 24 hours a day to victims of child abuse or neglect, their families, caregivers, and individuals required by law to report suspected child abuse or neglect. The Department of Health and Human Services may award the grant to a nonprofit entity and must prioritize grant applicants with experience operating a hotline and providing such assistance and support.
Trafficking Victims Prevention and Protection Reauthorization Act of 2022	To reauthorize the Trafficking Victims Protection Act.
21st Century FREE Speech Act	<p>The bill replaces existing liability protections (sometimes referred to as Section 230 protection) related to content provided by third parties with more limited protections.</p> <p>The bill provides some liability protection for third-party content, but the protection shall not apply to a provider or user who carries out certain affirmative acts, such as barring users from the service or restricting access to or availability of material. However, the protection shall apply if the action is taken in good faith to restrict access to or availability of obscene, unlawful, or other similarly objectionable material.</p>
Victims of Child Abuse Act Reauthorization Act of 2022	To reauthorize the Victims of Child Abuse Act of 1990.
Violence Against Women Reauthorization Act of 2022	To reauthorize the Violence Against Women Act.

APPENDIX 11. NON-FEDERAL LEGISLATION

Locality	Legislative Tracking	Title	Sponsors	Status	Programs Involved or Law Amended
California	AB 2273	Age-Appropriate Design Code	Wicks (CA-D-15)	Assembly: Passed 72-0 Senate: Passed Senate Judiciary Committee 9-1	Title 1.81.46 to Part 4 of Division 3 of the California Civil Code
	AB 2408	Social Media Platform Duty to Children Act	Cunningham (CA-R-55)	Assembly: Passed (51-0) Senate: Referred to Senate Appropriations Committee	Business and Professions Code of California
European Union	COM/2020/825	Digital Services Act		Likely formally adopted in September 2022	Directive 2000/31/EC
	REGULATION (EU) 2016/679	General Data Protection Regulation		In effect as of 2018	Directive 95/46/EC
	COM(2022) 209	Laying Down Rules to Prevent and Combat Child Sexual Abuse		Pending with European Parliament	Directive 2000/31/EC
United Kingdom	Data Protection Act of 2018	Age-Appropriate Design Code/Children's Code		In effect as of 2021	Data Protection Act
	Bill 121	Online Safety Bill	Dorries (Conservative)	Shelved until fall 2022	

APPENDIX 12. NON-FEDERAL LEGISLATION SUMMARIES

Locality	Legislation	Summary
California	Age-Appropriate Design Code	The legislation governs platforms “likely to be accessed by children” by requiring high privacy default settings, limiting use of user data, and necessitating clear language to provide privacy notice.
	Social Media Platform Duty to Children Act	This bill focuses on preventing children from developing social media addictions.
European Union	Digital Services Act	The act would create new transparency requirements, require immediate takedown of content harming cyber victims, and limit linking to illegal sites on search engines.
	General Data Protection Regulation	This act created strict privacy and data regulations. The GDPR also has additional protections for children; it requires parental consent for data processing and the development of easily understandable privacy policies.
	Laying Down Rules to Prevent and Combat Child Sexual Abuse	This legislation would create new online safety requirements for children, including mandating risk assessments, expanding take down requirements, and creating a new center to oversee these efforts.
United Kingdom	Age-Appropriate Design Code/ Children’s Code	The Code requires services used by children to default to maximum security settings, bans “nudging,” and minimizes child data utilization.
	Online Safety Bill	The legislation would require all CSAM to be reported, implements child risk assessments and transparency reports, and calls for platforms to develop easy reporting mechanisms for illegal content.



Protecting Children Online Through Policy

ONLINE SEXUAL EXPLOITATION AND ABUSE OF
CHILDREN POLICY MAPPING REPORT