



The EARN IT Act

The Eliminating Abusive and Rampant Neglect of Interactive Technologies (EARN IT) Act (S. 1207/H.R. 2732) is a bipartisan bill that provides powerful new tools to combat online child sexual exploitation. The EARN IT Act enhances reporting to the CyberTipline; requires online platforms to report child sex trafficking and online enticement; replaces “child pornography” with “child sexual abuse material” (CSAM) in U.S. federal statutes; enables child victims to have their day in court against online platforms that knowingly distribute CSAM online; provides law enforcement more time to investigate child sexual exploitation crimes; and creates a Commission to develop best practices for online platforms.

The EARN IT Act Benefits Child Victims and Law Enforcement by:

- Enabling child victims to have legal recourse against online platforms that knowingly distribute CSAM in which the child is depicted. The EARN IT Act will empower child survivors to pursue civil remedies to hold online platforms accountable when they knowingly distribute CSAM in which the child is depicted.
- Enhancing CyberTipline reporting by online platforms. The EARN IT Act will require online platforms to provide more substantive information when reporting child sexual exploitation in order to facilitate law enforcement efforts to identify and locate children depicted in CSAM and to investigate offenders sharing the illegal imagery.
- Requiring online platforms to report child sex trafficking and online enticement to NCMEC’s CyberTipline. Currently, online platforms are not required to report instances of child sex trafficking and online enticement. The EARN IT will ensure that law enforcement can investigate these crimes and victims can receive urgently needed support and services by requiring online platforms to report these crimes to NCMEC’s CyberTipline.
- Updating U.S. federal statutes by replacing the term “child pornography” with “child sexual abuse material”. This essential update will more accurately reflect what CSAM depicts – the sexual assault and abuse of children. Utilizing the term “child sexual abuse material” in U.S. federal laws will make clear that the U.S. acknowledges that CSAM is never consensual, is not adult legal pornography, and represents crime scene evidence of a child’s sexual abuse.
- Supporting law enforcement by requiring online platforms to retain content reported to the CyberTipline for 1 year. Currently, online platforms can retain content reported to NCMEC’s CyberTipline for only 90 days, which is insufficient for law enforcement to review and investigate a case. The EARN IT Act will extend the retention period to 1 year to enable adequate time to investigate cases and will permit companies developing tools to better detect CSAM to retain content for longer periods of time.
- Establishing a National Commission on Online Child Sexual Exploitation Prevention (only in Senate version). The Commission will develop voluntary best practices that online platforms can choose to implement to help prevent, reduce, and respond to online child sexual exploitation.