



MAJOR CITIES CHIEFS ASSOCIATION

March 16, 2020

The Honorable Lindsay Graham
Chairman
Committee on the Judiciary
United States Senate
20510

Dear Chairman Graham,

I write to register the Major Cities Chiefs Association's (MCCA) support of S. 3398, the *Eliminating Abusive and Rampant Neglect of Interactive Technologies (EARN IT) Act of 2020*. The MCCA membership is comprised of Chiefs and Sheriffs of the sixty-nine largest law enforcement agencies in the United States and the nine largest in Canada. Collectively, the MCCA represents over 79.9 million people and a workforce of 251,082 officers and non-sworn personnel.

The *EARN IT Act* contains several provisions that will help combat the scourge of online child sexual exploitation. The risk of losing Sec. 230 liability protections underscores the seriousness of this matter and should spur action on the part of interactive computer services to protect children on their platforms. Best practices developed by the National Commission on Online Child Sexual Exploitation Prevention, which is established by the legislation, will lay out concrete steps interactive computer services can take to prevent their platforms from being used for child exploitation. Moreover, when these heinous crimes do occur, the best practices will assist law enforcement investigations.

S. 3398 will likely spur discussions on encryption, but there is little in the legislation that will help solve the lawful access issue. As such, the MCCA believes it is imperative that this legislation does not distract from continuing the encryption/lawful access debate. Technology companies continue to design their products in a manner that allows bad actors to "go dark." This decision has hindered far too many investigations into murderers, drug traffickers, and other criminals because law enforcement is unable, despite having a warrant, to access bad actors' cell phones, computers, and other devices. The MCCA continues to stand ready to work with the technology industry to develop a lawful access solution that protects civil rights, civil liberties, and user privacy, while still promoting and supporting public safety.

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The MCCA looks forward to working with you to advance the *EARN IT Act*. Please do not hesitate to contact me at art.acevedo@houstonpolice.org if we can be of any assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Art Acevedo', with a long horizontal flourish extending to the right.

Art Acevedo
Chief, Houston Police Department
President, Major Cities Chiefs Association