



MAJOR CITIES CHIEFS ASSOCIATION

January 31, 2022

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The Honorable Lindsey Graham
United States Senate
Washington, DC 20510

The Honorable Richard Blumenthal
United States Senate
Washington, DC 20510

Dear Senator Graham and Senator Blumenthal,

I write on behalf of the Major Cities Chiefs Association (MCCA) to register our support for S. 3538, the *EARN IT Act*. The MCCA is a professional organization of police executives representing the largest cities in the United States and Canada.

Online child sexual exploitation is one of the most heinous crimes someone can commit. Sadly, the COVID-19 pandemic has exacerbated this threat. For example, according to the National Center for Missing and Exploited Children (NCMEC), when comparing 2019 to 2020, there was a 28% increase in child sexual abuse material (CSAM) reports to NCMEC's CyberTipline.¹ Nevertheless, the MCCA's members remain steadfast in our commitment to do everything in our power to keep our children safe.

The *EARN IT Act* will bolster local law enforcement's efforts to combat the scourge of online child sexual exploitation. Removing Sec. 230 liability protection for offenses involving CSAM will serve as strong motivation for interactive computer service providers to ensure they're taking the necessary steps to protect children on their platforms. The bill also establishes a National Commission on Online Child Sexual Exploitation Prevention, which will develop best practices the providers can utilize to help achieve this goal. Finally, the legislation includes important protections for interactive computer service providers. For example, a provider cannot be held liable solely for using or offering encrypted services.

It's important to emphasize that the *EARN IT Act* will not, nor is it intended to, solve the broader challenges with encryption facing law enforcement. As such, this legislation must not detract from other Congressional efforts to address lawful access permanently. While the MCCA fully recognizes the benefits encryption affords to law-abiding citizens, we cannot allow criminals to continue to use this technology maliciously and at the expense of community safety. The MCCA stands ready to work with all stakeholders to

¹ Brenna O'Donnell, "COVID-19 and Missing & Exploited Children," *National Center for Missing & Exploited Children*, April 30, 2021. <<https://www.missingkids.org/blog/2020/covid-19-and-missing-and-exploited-children>>

develop a lawful access solution that properly balances public safety, user privacy, civil rights, and civil liberties.

Thank you for your leadership on this critical issue and continued support of law enforcement. Please do not hesitate to contact me if the MCCA can be of additional assistance.

Sincerely,

A handwritten signature in cursive script that reads "Jeri Williams".

Jeri Williams
Chief, Phoenix Police Department
President, Major Cities Chiefs Association