

# U.S. PRESIDENTIAL ELECTION TECH POLICY ANALYSIS

Where do the candidates stand on CDA 30 and online harms?

## DEMOCRATS / KAMALA HARRIS

Harris, a northern California native, is perceived to be a candidate who is close to Silicon Valley leaders, and appears to have a solid grasp of digital technologies -- both the [benefits and harms](#) they pose to society.

- As California AG in 2016, Harris [prosecuted Backpage.com](#), arresting its chief executive.
- As Senator, she [introduced laws](#) aimed at preventing the spread of nonconsensual sexual images, she aggressively [grilled Meta founder Mark Zuckerberg](#) about Cambridge Analytica.
- As VP, she [led](#) a White House effort resulting in an Executive Order on AI, represented the U.S. on AI at a global summit, and convinced tech company chiefs to agree on [voluntary safety standards](#).
- [Harris has called for](#) stronger privacy regulations & expressed interest in seeing Section 230 reformed.

## ISSUE

### SUMMARY

## REPUBLICANS / DONALD TRUMP

Trump, who now owns a social media company, Truth Social, pressed for reform of CDA 230 while president, after his accounts at X and Facebook were suspended. The RNC says he will foster American tech innovation and protect free speech online.

- President Trump pressed for [CDA230 to be overturned](#), threatening to veto a defense bill if Congress did not do it.
- Trump [signed into law FOSTA-SESTA](#), the first federal law to carve out an exception to Section 230 to fight online child sex trafficking.
- The [Trump administration rallied allies](#) to prevent Chinese 5G companies from winning key contracts.
- The [Trump White House led efforts](#) to ban Tik Tok, but candidate Trump [reversed his position](#) on it.
- The [2024 Republican platform](#) says it will reverse Biden's AI policy, but is mute on Section 230.

## DEMOCRATS / KAMALA HARRIS

- Harris hasn't made a statement on Section 230 since becoming the nominee, but in the past has expressed interest in reforming the 28YO law.
- DNC Recommendations for Section 230:
  - Should not apply to ads or other paid content.
  - Doesn't impair enforcement of civil rights.
  - Doesn't interfere with laws that address stalking/cyber-stalking, or harassment and intimidation on the basis of protected classes.
  - Should not apply to healthcare that promotes health misinformation.

- Harris praised [the Senate for passing the Kids Online Safety Act \(KOSA\)](#) & the Children and Teen's Online Privacy Act 2.0, by 91-3 in July 2024.
- As VP, [Harris launched a Task Force](#) to counter online harassment and abuse, and earlier in her career, pushed for laws against cyber-bullying and to promote greater privacy for children online.
- As CA AG, [she worked to stem the spread](#) of non- consensual intimate images on big tech platforms.

## ISSUE

### SECTION 230

### CHILD SAFETY

## REPUBLICANS / DONALD TRUMP

- As President, [Trump's DoJ sent Congress a proposal to reform Section 230](#), but [candidate Trump, who now owns Truth Social, a social media company that relies on it](#), has been silent on the law.
- [Many Republicans seek to reform 230's](#) protections for a website taking down user-generated content, arguing it leads to unfair censorship.
- RNC Recommendations for Section 230:
  - Address the mechanics of Section 230's content moderation protections.
  - Target specific exemptions from Section 230 protections for third-party content.

- Candidate Trump has not commented on KOSA.
- President Trump signed the first-ever first-ever internet [anti-porn presidential pledge](#), promising to enforce long-ignored obscenity laws to stop the spread of hard core sex videos online.
- Former First Lady Melania Trump launched her "[BE BEST](#)" initiative, focusing on cyber-bullying, and the role parents play in teaching their kids about staying safe online.

## DEMOCRATS / KAMALA HARRIS

- The Biden Administration in 2023 issued an [executive order on AI](#) to address cybersecurity, global competition, discrimination, and technical oversight of advanced AI systems, including:
  - Details on how federal agencies can work to minimize the real-world problems posed by AI. directs the Department of Labor to understand the potential job losses caused by AI.
  - Assigns the Consumer Financial Protection Bureau & Department of Housing & Urban Development to address how AI could worsen discrimination in banking and housing sectors.
  - Requires the Office of Management & Budget and other agencies to determine how the government can use AI without undermining data privacy.
- [Harris was the point person](#) in the Biden-Harris administration to address AI policy and represented the U.S. at a 2023 global summit on AI safety.
- The Biden-Harris administration [established the U.S. AI Safety Institute](#) to develop technical guidance that will be used by regulators considering rule-making and enforcement on AI technologies.
- The DNC has not yet released Harris's AI policy plans, but she is widely expected to continue with policies that align with those that she directed during the Biden presidency.

## ISSUE

### ARTIFICIAL INTELLIGENCE

## REPUBLICANS / DONALD TRUMP

- The [2024 Republican platform](#) says it will reverse Biden's Executive Order on AI, which it says "hinders AI innovation, and imposes Radical Left-wing ideas on the development of this technology. In its place, Republicans support AI Development rooted in Free Speech and Human Flourishing."
- The Trump White House chartered a [Select Committee on AI](#) in 2018 under the National Science and Technology Council. In early January 2021, the Select Committee was expanded and made permanent, and serves as an inter-agency coordination body referenced in the National AI Initiative Act of 2020.
- In February 2019, Trump signed an [AI Executive Order](#) which aimed to:
  - Increase AI research investment; unleash Federal AI computing resources; set AI technical standards;
  - Build up America's AI workforce; and engage with international allies.
- [President Trump called](#) for a 2-year doubling of non-defense AI R&D in his fiscal year 2021 budget proposal and established a [Federal Data Strategy](#).
- The [Trump campaign has reportedly drafted](#) a plan to "Make America First in AI," which would develop military technology and review "unnecessary and burdensome regulations."

## DEMOCRATS / KAMALA HARRIS

- As California Attorney General, Harris [pressed criminal charges against BackPage.com](#), a webpage that hosted advertisements for sex work, and had its executive arrested on pimping charges.
- In 2017, as a Senator, Harris introduced the ENOUGH Act (Ending Nonconsensual Online User Graphic Harassment) which sought to make it a crime to knowingly distribute or threaten to distribute non consensual intimate images.
- In 2019, as a Senator, Harris introduced the SHIELD Act (Stopping Harmful Image Exploitation and Limiting Distribution) which seeks to criminalize the distribution of non consensual intimate images.
- As a Senator, Harris voted in favor of FOSTA (Allow States and Victims to Fight Online Sex Trafficking Act)-SESTA (Stop Enabling Sex Traffickers Act).

- The Biden Administration [established counter-narcotics working group with China](#) "to create a platform for policy and technical experts to discuss law enforcement efforts and exchange information on counter-narcotics efforts going forward." It included addressing online sales.
- As Vice President, [Harris gathered state attorneys general](#) from across the country to discuss fentanyl and illicit drugs in America, discussing, among other issues, how deadly pills sell online.

## ISSUE

### CHILD SEX ABUSE MATERIAL (CSAM) & CHILD SEX TRAFFICKING

### FENTANYL PILLS SELLING ONLINE

## REPUBLICANS / DONALD TRUMP

- As President, Trump signed into law FOSTA (Allow States and Victims to Fight Online Sex Trafficking Act)-SESTA (Stop Enabling Sex Traffickers Act). This bipartisan legislation:
  - Creates an exception to Section 230 that means website publishers would be responsible if third parties are found posting ads for sex work (including consensual sex work) on their platforms.
  - Was intended to improve the policing of online sex work.
- In October 2020, Trump supported the EARN IT (Eliminating Abusive and Rampant Neglect of Interactive Technologies) Act which:
  - Removes blanket immunity for violations of laws related to online child sex abuse material.

- After drug-related deaths increased by 45% in Trump's first year as president, his administration declared the [Opioid Crisis](#) a public health emergency, increasing funding and resources, including to fight the online sale of deadly pills.
- In 2019, the Trump administration [committed \\$1.8 billion in grants](#) to tackle the opioid crisis.
- The [2024 RNC platform](#) equates fentanyl smuggling with the immigration crisis and makes no comment about online sales of deadly pills.

## DEMOCRATS / KAMALA HARRIS

- The Biden-Harris Executive Order on Artificial Intelligence from October 30, 2023 addresses deepfakes by requiring:
  - The development of effective labeling and content origin mechanisms, so that Americans can determine when content is generated using AI and when it is not.
  - That regulators determine a foundation for an approach that addresses AI's risks without unnecessarily reducing its benefits.
- The DNC [sought to get candidates to agree on guidelines](#) for use of Deep Fake technologies.
  - Called for collaboration with tech companies to combat manipulation and train politicians on how to best secure their accounts and protect their brands against disinformation.
  - A [deep fake video featuring Harris](#) released in late July has more than 150M views.

- [Harris has said that](#), "tech companies have got to be regulated" to ensure data privacy.
- In February, Biden-Harris administration [signed an Executive Order](#) aimed at safeguarding personal data of American citizens from hostile countries.
- As far back as 2012 as CA AG, [Harris supported data privacy](#), forming the Privacy Enforcement and Protection Unit in the Department of Justice.
- She has not [stated a position on banning Tik Tok](#).

## ISSUE

### REGULATING DEEPPAKES

### DATA PROTECTION & PRIVACY

## REPUBLICANS / DONALD TRUMP

- In recent months, Candidate Trump has been portrayed in multiple Deep Fake and AI-generated posts on social media, including content apparently [targeting black voters](#), and portraying Trump as the [victim of a corrupt U.S. justice system](#).
- Trump himself has [expressed concerns](#) that Deep Fake technology will produce serious national security threats, such as sparking a nuclear war.
- In December 2020, [President Trump signed into law](#) the bipartisan Identifying Outputs of Generative Adversarial Networks Act, which directed the National Science Foundation and the National Institute of Standards and Technology to research ways to identify deepfakes.
- The 2024 RNC platform makes no mention of Deep Fakes.

- [The Trump administration tightened restrictions on China's Huawei](#), saying the company was harvesting American's data. [The Trump team also rallied allies](#) to prevent Chinese 5G companies from winning key contracts in the UK and Australia.
- The [Trump White House led efforts](#) to ban Tik Tok, but candidate Trump [reversed his position](#) after [receiving a donation from a major shareholder](#).
- The Trump administration [repealed service provider internet privacy protections and net neutrality](#).

DEMOCRATS / KAMALA HARRIS	ISSUE	REPUBLICANS / DONALD TRUMP
<ul style="list-style-type: none"> <li>During the 2020 presidential campaign, then Senator Harris <a href="#">said she would</a> hold social media platforms “accountable” for “hate,” laying out a vision for combating domestic terrorism.</li> <li>The DNC has called for enforcing rules on hate speech consistently and comprehensively.</li> <li>The Biden-Harris team called for reforming Section 230 to address online hate, and said, “Americans deserve to know how the algorithms that drive large tech platforms may amplify divisions and contribute to hate-fueled violence.”</li> </ul>	<p><b>EXTREMISM &amp; HATE ONLINE</b></p>	<ul style="list-style-type: none"> <li>President Trump’s 2018 <a href="#">counter-terrorism strategy</a> included a pledge to stop online recruitment and organizing.</li> <li>In a 2016 speech, <a href="#">Trump described how terrorist groups were weaponizing social media</a> in order to recruit and organize.</li> <li>The <a href="#">2024 RNC platform</a> is mute on the issue of online extremism, but <a href="#">pledges to</a> “protect free speech online.”</li> </ul>
<ul style="list-style-type: none"> <li>The Harris team <a href="#">has warned that scammers are posing as fundraisers</a> for their campaign.</li> <li>Harris has not taken a position about fighting online fraud, scams or identity theft online, and has recently <a href="#">softened her position on crypto currencies</a>.</li> <li>In 2016, then AG Harris issued a consumer alert warning California businesses to be aware of phishing scams that target the workplace.</li> </ul>	<p><b>ONLINE FRAUD &amp; SCAMS</b></p>	<ul style="list-style-type: none"> <li>In 2018, President Trump signed <a href="#">Executive Order 13844</a>, establishing the Task Force on Market Integrity and Consumer Fraud to fight online fraud.</li> <li><a href="#">Macedonian scammers have targeted Trump supporters</a> in online investment scams, and <a href="#">MAGA supporters have been hit with crypto scams</a>.</li> <li>Trump originally called <a href="#">crypto a scam, but more recently has swung behind</a> digital currencies.</li> </ul>

**ABOUT  
ACCO**

The Alliance to Counter Crime Online groups 30 non-profits, academics and citizen investigators collectively fighting the growth of serious organized crime on the surface web. We share a commitment to justice, a dedication to countering exploitation in all its forms, and the courage to investigate some of the worst aspects of humankind. Every ACCO member has taken personal risks and made sacrifices to do what we do, out of passion for the subjects we seek to protect. We need that dedication to take on one of the world’s most powerful, well-funded industries: Big Tech and Big Crime. ACCO members are leading authorities in a range of serious crime sectors online, including child sex abuse content, human trafficking, narcotics, wildlife, antiquities, and fraud. ACCO produces investigative reports and analysis about how illicit groups have weaponized social media, and we provide evidence we develop to regulators, lawmakers and the public.