



Computer & Communications
Industry Association
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Consumer
Technology
Association



Internet Association



NetChoice

March 5, 2020

The Honorable Lindsey Graham
Chairman
Senate Judiciary Committee
Washington, DC 20510

The Honorable Richard Blumenthal
Member
Senate Judiciary Committee
Washington, DC 20510

Re: Concerns with Eliminating Abusive and Rampant Neglect of Interactive Technologies Act of 2020

Dear Chairman Graham and Senator Blumenthal:

The undersigned associations share your goal of more effectively preventing bad actors from using the Internet to exploit children.

The technology sector is taking aggressive steps to address harmful content online, including child exploitation and child sexual abuse material (CSAM). Pursuant to existing law addressing CSAM, codified in Chapter 110 of Title 18 of the U.S. Code, industry works proactively to remove and report harmful content and routinely engages with law enforcement to assist and respond to valid requests for information pertaining to criminal activity online.

In light of the current work being done and the ongoing effort to develop international voluntary standards related to CSAM, we are concerned by the bill's proposed creation of a government-funded commission to develop and establish de facto U.S. government-mandated practices for private-sector Internet services. Further, longstanding intermediary protections that have allowed innovation on the Internet to flourish would now be conditioned on industry certification of compliance with such practices by the Attorney General. In addition to the inherent constitutional implications, the bill's reduced mens rea standard for civil claims would put services at greater risk of liability for unintentional conduct by Internet users.

We are also concerned by the bill's implications for companies' ability to design secure and trustworthy products and services. Strong encryption is critical for national security, a vibrant and competitive digital economy, and the online and physical safety of individuals, including children. Creating a false choice between encryption and intermediary protections would exacerbate threats to these technology users, placing those most vulnerable Americans at greatest risk.

Industry is committed to fighting illegal activity like child exploitation online. We look forward to continuing to engage with you on these important issues.

Sincerely,

Computer & Communications Industry Association
Consumer Technology Association
Internet Association
Internet Infrastructure Coalition
NetChoice