

August 9, 2017

The Honorable Rob Portman
Chairman, Senate Permanent Subcommittee on Investigations
United States Senate
Washington, D.C. 20510

The Honorable Richard Blumenthal
United States Senate
Washington, D.C. 20510

Dear Senator Portman and Senator Blumenthal:

The undersigned technology industry trade associations share your commitment to fight human trafficking. Your work on this issue, particularly your extensive investigation into the conduct of Backpage.com, exemplifies the kind of significant and effective oversight in which Congress should engage.

The Department of Justice (DOJ) should have the most advanced and effective tools, both legal and investigatory, at its disposal to end sex trafficking crime, particularly against vulnerable minors, and to appropriately punish the perpetrators and enablers of these horrific crimes. Rogue online actors must be fully responsible for repugnant actions that contribute to and support trafficking.

Section 230 of the Communications Decency Act (CDA 230) has proven central to maintaining a legal environment that fosters the innovative work of our member companies, allowing them to thrive and serve legitimate consumers without becoming stymied by liability for user actions outside of their control. CDA 230 is a vital legal protection for online services, ensuring that unknowing intermediaries, including platforms, websites, ISPs, web-hosting providers, and online advertisers, are not held liable for their users' actions. Without this crucial protection, service providers could be held legally liable for user content.

At the same time, CDA 230's protections serve as an integral backstop that enables our companies to take proactive steps to stamp out unlawful user generated content. Without CDA 230's broad protections, an online service provider that takes affirmative steps to moderate user generated content could be exposed to strict liability for any unlawful content that it might inadvertently miss.

The merits of CDA 230's legal protections are evident in the proactive measures our companies take every day to ensure their online services are not abused by criminals. Among the ways our companies proactively combat human trafficking and other forms of exploitation are by dedicating resources to ensure their networks are safe and secure by identifying, removing, and reporting illegal content.

We would welcome the opportunity to work with you on the *Stop Enabling Sex Traffickers Act of 2017* to improve the government's ability to investigate and successfully prosecute sex trafficking crime and the rogue online actors who enable the exploitation of our children and vulnerable adults, while preserving CDA 230's key protections for unknowing intermediaries.

Thank you for your constant vigilance to protect our nation's most vulnerable populations, and we remain committed to working with Congress to end this scourge on our society.

Sincerely,

BSA | The Software Alliance
Chamber Technology Engagement Center (C_TEC)
Digital Media Association (DiMA)
Information Technology Industry Council (ITI)
TechNet

cc: The Honorable Claire McCaskill
The Honorable John Thune
The Honorable Bill Nelson
The Honorable Chuck Grassley
The Honorable Dianne Feinstein