



i2Coalition Statement
“Fostering a Healthier Internet to Protect Consumers”
Joint Hearing of the House Energy and Commerce Subcommittees on
Communications and Technology and Consumer Protection and Commerce

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The Internet contributes billions of dollars to the U.S. economy, touches nearly every aspect of the global economy, and helps promote human rights and democracy abroad.

Internet infrastructure providers are the companies supporting this tremendous vision, including web hosts, domain providers, cloud service providers, data centers, payment processors, software developers and more. These companies are providing a neutral, solid base upon which all the Internet’s traffic and content flows.

The Internet Infrastructure Coalition (i2Coalition) represents nearly 100 leading businesses in this important industry and works to ensure that those who build the infrastructure of the Internet can continue to grow and innovate.

Intermediary protections contained in Section 230 of the Communications Decency Act are the key to Internet innovation. Section 230 establishes a framework where those responsible for content are held liable for their actions, rather than blaming infrastructure providers. The provision says: "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider" (47 U.S.C. § 230).

In other words, the kinds of Internet infrastructure companies the i2Coalition represents, that host, store, and replicate content, are intermediaries and not directly legally responsible as publishers for what others say and do on their services. Our companies simply enable people to create and consume content; they should not be held responsible for how people use these services. As an analogy, a telephone company isn’t responsible for what people say to others using their services.

Policies attempting to make Internet intermediaries liable for all content flowing through their networks would impede i2Coalition members’ ability to do business and place them in the position of policing content, a role better suited to law enforcement and the Courts.

The Internet is participatory, and users are allowed and encouraged to contribute content. It’s common to look at that only in its most popular examples. Over 400



hours of video are uploaded to YouTube every minute. On Facebook, there are 317,000 status updates and 147,000 photos uploaded every 60 seconds.

While big social media platforms like Google, Twitter and Facebook enjoy the protections of Section 230, so do all the small businesses that have built the Internet. Congress must consider the impact of limiting intermediary protections on these small businesses (and the thousands of small business they serve) who need the protections of Section 230 to operate and survive. Given the amount of user-generated content on websites they support, it would be impossible to eradicate all objectionable or copyrighted content without stifling free speech. Holding companies responsible for their users' content would subject companies to lawsuits, and force limitations on how consumers use Internet platforms, at least within the United States of America. Voices would be censored because companies could not risk the legal liability of allowing content they deem risky to stay on their services.

Small companies would go out of business or more likely, relocate off-shore to innovate elsewhere, and the few large companies who could afford to stay would have strict content controls. Consumer choice would be decimated. We would revisit the era of old media, with fewer voices and more top-down control over what people say.

To understand the implications, imagine a world where your hosting provider, storage provider, or ISP needs to monitor your activity to make sure you aren't doing anything illegal. A hosting provider would likely comply with any third-party requests to take down content whether the request is legitimate or not.

Also, rather than providing encrypted, private cloud storage, providers could be barred from using encryption to allow for users' private content to be reviewed for potentially illegal material.

Without Section 230 protections, ISPs, since they connect users to online content, could block any websites or services that the ISP would deem questionable, which could apply to virtually every site featuring user-generated content. This could result in sweeping limitations of free speech and cut out many diverse voices.

Even Internet infrastructure providers who oversee the cables and servers that form the foundation of the Internet, who are not asking anyone to post or share information and who are neutral bodies, would now have to worry about content stored on their devices or that travels through their networks. They are not equipped to do this type of policing, nor should they.



Section 230 means that Internet companies can continue to perform their job of being a neutral conduit for their users, with legitimate courts making determinations about when content hosted on their network needs to be taken down.

Protecting an Internet infrastructure company's rights to host content as a neutral party was a smart move made back in the 90's that has allowed the Internet to grow and thrive.

The Internet has advanced free speech and the spread of information more so than any other invention our world has ever known, and it's too great of a responsibility for the mostly small businesses involved in delivering online content to judge the legality of their user's content. We urge Members of the Energy and Commerce Committee to recognize the importance of Section 230 and act to ensure its preservation.