

Chairman Charles Grassley
Ranking Member Patrick Leahy
Committee on the Judiciary
United States Senate

16 December 2015

We the undersigned human rights and civil liberties organizations and trade associations write to convey our significant concerns with the Requiring Reporting of Online Terrorist Activity Act (S. 2372). The RROTA Act would require all providers of Internet communications services to report to government authorities when they obtain “actual knowledge” of apparent “terrorist activity” on their services – a broad term that could encompass both speech and conduct. We sent a version of this letter on 4 August 2015 when this proposal took the form of a provision in the draft Intelligence Authorization Act of Fiscal Year 2016 (S. 1705).

Unfortunately, the RROTA Act would create strong incentives for providers to over-report on the activity and communications of their users, in order to avoid

number of innocent individuals under heightened government scrutiny. The potential for this scrutiny will unavoidably exert a chilling effect on protected speech and will burden individuals' First Amendment rights to speak and to access information.

The RROTA Act would require providers to submit the “facts and

content and believes it to pertain to the commission of a crime.³ ECPA further permits the