

**Opening Statement of Republican Leader Robert E. Latta**  
**Joint Hearing: Subcommittees on Communications and Technology and**  
**Consumer Protection and Commerce**  
**“Fostering a Healthier Internet to Protect Consumers”**  
**October 16, 2019**

*As Prepared for Delivery*

Welcome to today’s hearing on content moderation and a review of Section 230 of the Communications Decency Act. This hearing is a continuation of a serious discussion we began last session as to how Congress should examine the law and ensure accountability and transparency for the hundreds of millions of Americans using the Internet today.

We have an excellent panel of witnesses that represent a balanced group of stakeholders who perform work closely tied to Section 230 – this well-respected group ranges from big companies to small companies, as well as academics to researchers.

Let me be clear, I am not advocating that Congress repeal the law. Nor am I advocating for Congress to consider niche “carve-outs” that could lead to a slippery slope of the “death-by-a-thousand-cuts” that some have argued would upend the Internet industry as if the law were repealed entirely. But before we discuss whether or not Congress should make modest, nuanced modifications to the law, we first should understand how we’ve got to this point.

It's important to take Section 230 in context of when it was written. At the time, the "decency" portion of the Telecom Act of 1996 included other prohibitions on objectionable or lewd content that polluted the early Internet. Provisions that were written to target obscene content were ultimately struck down at the Supreme Court, but the Section 230 provisions remained.

Notably, CDA 230 was intended to encourage Internet platforms—then, "interactive computer services" like CompuServe and America Online—to proactively take down offensive content. As Chris Cox stated on the floor of the House, "we want to encourage people like Prodigy, like CompuServe, like America online, like the new Microsoft Network, to do everything possible for us, the customer, to help us control, at the portals of our computer, at the front door of our house, what comes in and what our children see."

It is unfortunate, however, that the courts took such a broad interpretation of Section 230, simply granting broad liability protection without platforms having to demonstrate that they are doing, quote, "everything possible." Instead of encouraging use of the sword that Congress envisioned, numerous platforms have hidden behind the shield and used procedural tools to avoid litigation without having to take any responsibility. Not only are "good Samaritans" sometimes being selective in taking down harmful or illegal activity, but Section 230 has been

interpreted so broadly that “bad Samaritans” can skate by without accountability, too.

That’s not to say all platforms never use the tools afforded them by Congress, many do great things. Some of the bigger platforms remove billions— with a b—accounts annually. But often times, these instances are the exception, not the rule. Today we will dig deeper into those examples to learn how platforms decide to remove content – whether it’s with the tools provided by Section 230 or with their own self-constructed terms of service. Under either authority, we should be encouraging enforcement to continue.

Mr. Chairman, I thank you for holding this important hearing so that we can have an open discussion on Congress’ intent of CDA 230 and if we should reevaluate the law. We must ensure platforms are held reasonably accountable for activity on their platform, without drastically affecting innovative startups.

Thank you, I yield back.