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Pallone Opening Remarks at Joint Subcommittee Hearing on Section 230 and Content Moderation

Washington, D.C. – *Energy and Commerce Committee Chairman Frank Pallone, Jr. (D-NJ) delivered the following opening remarks today at a joint Communications and Technology and Consumer Protection and Commerce Subcommittee hearing entitled “Fostering a Healthier Internet to Protect Consumers:”*

The internet is one of the single greatest human innovations. It promotes free expression, connections, and community. It also fosters economic opportunity with trillions of dollars exchanged online every year.

One of the principal laws that paved the way for the internet to flourish is Section 230 of the Communications Decency Act, which passed as part of the Telecommunications Act of 1996. We enacted this section to give platforms the ability to moderate their sites to protect consumers, without excessive risk of litigation. And to be clear, Section 230 has been an incredible success.

But, in the 20 years since Section 230 became law, the internet has become more complex and sophisticated. In 1996, the global internet reached only 36 million users, or less than one percent of the world’s population. Only one in four Americans reported going online every day. Compare that to now, when nearly all of us are online almost every hour we are not sleeping. Earlier this year, the internet passed 4.39 billion users’ worldwide, and here in the U.S. there are about 230 million smartphones that provide Americans instant access to online platforms. The internet has become a central part of our social, political, and economic fabric in a way that we couldn’t have dreamed of when we passed the Telecommunications Act.

And with that complexity and growth, we have also seen the darker side of the internet grow.

Online radicalization has spread, leading to mass shootings in our schools, churches, and movie theaters.

International terrorists are using the internet to groom recruits.

Platforms have been used for the illegal sale of drugs, including those that sparked the opioid epidemic.

Foreign governments and fraudsters have pursued political disinformation campaigns—using new technology like deepfakes—designed to sow civil unrest and disrupt democratic elections.

There are the constant attacks against women, people of color, and other minority groups. And perhaps most despicable of all is the growth in the horrendous sexual exploitation of children online. In 1998, there were 3,000 reports of material depicting the abuse of children online. Last year, 45 million photo and video reports were made. While platforms are now better at detecting and removing this material, recent reporting shows that law enforcement officers are overwhelmed by this crisis.

These are all issues that cannot be ignored, and tech companies need to step up with new tools to help address these serious problems. Each of these issues demonstrates how online content moderation has not stayed true to the values underlying Section 230 and has not kept pace with the increasing importance of the global internet.

There is no easy solution to keep this content off the internet. As policymakers, I'm sure we all have our ideas about how we might tackle the symptoms of poor content moderation online while also protecting free speech.

We must seek to fully understand the breadth and depth of the internet today, how it has changed and how it can be made better. We must be thoughtful, careful, and bipartisan in our approach.

It is with that in mind that I am disappointed Ambassador Lighthizer, the United States Trade Representative (USTR), refused to testify today. The United States has included language similar to Section 230 in the United States-Mexico-Canada Agreement and the U.S.-Japan Trade Agreement. Ranking Member Walden and I wrote to the Ambassador in August raising concerns about why the USTR has included this language in trade deals as we debate them across the nation, and I was hoping to hear his perspective on why he believes that is appropriate. Including provisions in trade agreements that are controversial to both Republicans and Democrats is not the way to get support from Congress. Hopefully, Ambassador Lighthizer will be more responsive to bipartisan requests in the future.

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