

**Committee on Energy and Commerce**  
**Opening Statement as Prepared for Delivery**  
**of**  
**Subcommittee on Communications and Technology Ranking Member Doris Matsui**

***Hearing on “Where Are We Now: Section 230 of the Communications Decency Act of 1996”***

**April 12, 202**

Thank you Mr. Chairman and thank you to the witnesses for testifying today. There aren't many Members that can say “I was a Conferee for the Telecommunications Act of 1996”, which included Section 230 of the Communications Decency Act.

I continue to strongly believe in Section 230's core benefit, which is to protect user speech, but when algorithms select what content will appear, personalized for each user, the platform is more than just a conduit transferring one user's speech to others and should not be immune from courts examining if their actions cause harm.

A withdrawal of immunity is not the same as the imposition of liability. Those harmed should have the opportunity to confront the platforms in court and prove they did not meet an established standard of care. And platforms should have the opportunity to defend themselves. When we adopted Section 230, the internet was a nascent technology, and what we didn't want was stifling innovation.

We recognized an open internet risked encouraging noxious activity, so we enlisted the tech companies to be partners in keeping it clean, giving them immunity for “Good Samaritan” efforts that over- or under-filtered objectionable content. It's been 28 years since Congress adopted Section 230 and it's clear it was a mistake. It's allowed online platforms to operate with impunity despite the harms it has wrought.

They have knowingly and recklessly recommended content that harms children, abuses women and marginalized communities, and radicalizes Americans through the spread of misinformation and disinformation, threatening our democracy. When Congress passed Section 230, we did not foresee what the internet would become and how it would be used.

We did not anticipate the harms to children; its use for the illegal sale of arms and opioids; abuse and harassment of women and marginalized communities, especially through revenge pornography; through deepfakes, doxing and swatting. We did not anticipate how it would be exploited to spread misinformation and disinformation, interfere with our elections, and threaten the foundations of our democracy and society.

And we did not anticipate online platforms designing their products to algorithmically amplify content, despite its threats to the American people. All of this necessitates Congress to update the law. I appreciate the Chairman holding a hearing on this important topic and look forward to the witnesses' testimony and the discussion.

I yield back.