

**Opening Statement of Chairman Robert E. Latta
Subcommittee on Communications and Technology**

“Section 230 Hearing”

April 11, 2024

(As Prepared for Delivery)

Good morning, and welcome to today’s hearing on Section 230 of the Communications Decency Act.

In 1996, the early days of the Internet, Section 230 was enacted to provide online platforms immunity from liability for content posted by third-party users. This legal protection was instrumental in fostering the growth of these platforms and unleashed a vibrant online ecosystem that led to the creation of social media platforms that promoted user-generated content, social interaction, and innovation.

Section 230 has two main mechanisms: first, a provision that exempts platforms from being held liable for content that is posted on their website by a third-party user; and second, a provision that exempts platforms from being held liable for content that they remove or moderate in “good faith.”

This dual liability protection is often referred to as the “sword” and the “shield.” The **sword** being the ability for platforms to remove content and the **shield** being the liability protection for content posted by users of the platform.

As the Internet has evolved and become deeply integrated into our daily lives, we have encountered new challenges and complexities that require a re-evaluation of Section 230's role and impact.

One of the most pressing concerns is the power that Section 230 has given to social media platforms. Big Tech is able to limit free speech and silence viewpoints, especially of those they do not agree with.

There are countless instances where individuals and groups with conservative viewpoints have faced censorship, de-platforming, and content moderation practices.

In contrast, Big Tech continues to leave up highly concerning content. The prevalence of illegal activities such as illicit drug sales, human trafficking, and child exploitation on some platforms underscore the need for stronger mechanisms to hold platforms accountable for facilitating or enabling harmful behavior.

Big Tech's authoritarian actions have led to several court cases challenging the scope of Section 230's liability protection. Over the years, the courts have shaped the broad interpretation and application of the law. Some argue the courts have provided Big Tech with too much liability protection.

Last year, two high profile cases related to terrorist activity on platforms were considered before the Supreme Court. In one case, the law was upheld. In the other case, which challenged Section 230's application to content promoted by algorithms, the Court declined to rule. This year, two more cases are before the Supreme Court related to a State's ability to regulate how social media platforms moderate content.

It has become clear that Congress never contemplated the Internet as it exists today when Section 230 was enacted.

While the Courts have too broadly interpreted the original intent of this law, numerous Supreme Court Justices declared last year that it's up to Congress, not the courts, to reform Section 230.

It's time for Congress to review the current legal framework that shields Big Tech from accountability for their decisions. We must determine how to strike a balance between protecting online speech and holding platforms accountable for their role in amplifying harmful and illegal content.

I look forward to hearing from our witnesses and working with my colleagues for thoughtful and targeted reforms to Section 230.

Thank you, and I yield back. I now recognize the Ranking Member of the Subcommittee, the gentlelady from the Seventh District of California.