

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

Hearing on “Legislative Proposal to Sunset Section 230 of the Communications Decency Act”

May 22, 2024

Thank you, Chairman Latta.

Of the many critical issues within this Subcommittee’s jurisdiction, few are more consequential than Section 230. In both positive and negative ways, Section 230 of the Communications Decency Act has shaped our online ecosystem.

Regularly referred to as the “the 26 words that created the internet,” Section 230 established vital protections that allowed the internet to flourish in its early days. Without 230, it’s unlikely we’d have the vibrant internet ecosystem we all enjoy. And yet, despite this, it’s clear that Section 230 as it exists today isn’t working. The status quo just simply isn’t viable.

As with any powerful tool, the boundaries of Section 230 have proven difficult to delineate, making it susceptible to regular misuse. The broad shield it offers can serve as a haven for harmful content, disinformation, and online harassment. This has raised significant concerns about the balance between protecting freedom of expression and ensuring accountability for the platforms that host this content.

These concerns aren’t abstract -- from documented attempts to interfere with our elections to the harm this content is inflicting on America’s young people, the unchecked immunity of 230 has consequences. And we know many online platforms aren’t simply hosting this content, they’re actively amplifying it to reach more viewers. Most large social media platforms are designed from the ground up to promote constant engagement rather than healthy interactions. That means pushing harmful and misleading information on some of the most vulnerable users with ruthless effectiveness. Young women are constantly subjected to unhealthy or untested diets, suicidal material is foisted on those seeking mental health care, and recent elections show the ongoing danger of targeted disinformation.

So, it should be clear to all – the role of Section 230 needs immediate scrutiny. Because, as it exists today, it’s just not working. To date, congressional efforts to make needed reforms have come up short but we can’t give up. The stakes are just too high. But, it’s also for that reason that we must be intentional, thoughtful, and deliberative in our attempts to update Section 230. Any reforms we implement should create a meaningful incentive for online platforms to own the outcomes of the products they’re designing in a way they don’t currently. It’s well-understood that many of these platforms are knowingly amplifying harmful content. There can and should be consequences for that.

Until that fundamental dynamic changes, we can't expect to achieve the safer online experience we all want. And, we need reforms that allow for better enforcement of civil rights laws to prevent some of the most upsetting discriminatory behavior online. But, while there's widespread, bipartisan consensus in Congress that 230 needs to be modernized, the process for getting there remains unclear. That's why I think the process is just as important as the product. We need a thoughtful process that allows for nuanced conversations on difficult issues.

I'm ready to begin that work. And with that, I yield the balance of my time.