

**Statement for the Record of Rep. Anna G. Eshoo**

Hearing on “A Country in Crisis: How Disinformation Online Is Dividing the Nation”  
House Subcommittees on Communications & Technology and Consumer Protection & Commerce  
June 24, 2020

I thank Chairman Doyle and Chairwoman Schakowsky for holding a joint hearing on this highly important topic.

It’s important we start with common definitions. Misinformation is a falsehood while disinformation is a falsehood *deliberately* spread for deceit. Disinformation is indeed dividing our nation as the title of this hearing suggests, however, I respectfully suggest that our country is not in a crisis but is experiencing several *crises* that online disinformation is exacerbating. Similarly, there isn’t a singular ‘silver bullet’ to solve these problems.

The murder of George Floyd has shaken the conscience of our entire country, and it has laid bare the racial disparities in policing that Black Americans face every day but for too long have been ignored. Disinformation painted protests as extremely violent, even when they were peaceful, leading to a further polarization of Americans’ views on police reform. At the same time, over 100,000 Americans have lost their lives to COVID-19, and the spread of lies about ingesting bleach and similar disinformation threaten even more lives.

When it comes to the Census, the Republican National Committee has repeatedly attempted to deceive Americans through mailers, text messages, and ads purchased on social media during the decennial count. These communications undermine our constitutionally mandated data collection effort, which determines Congressional representation and the distribution of critical resources to communities nationwide. This is why I introduced H.R. 6215, the *Honest Census Communications Act*, which outlaws communicating false or intentionally deceptive information about the census.

In our elections, disinformation has extreme consequences. Spreading lies about a candidate, designing messages to suppress the vote of specific communities, or communicating falsehoods about voter registration or electoral procedures is, in my view, an act of assault on our democracy. Because political speech rightly has the highest level of First Amendment protections, I believe we need to prohibit the marketing tactic of political ad microtargeting, which fractures our open democratic debate into millions of private, unchecked silos allowing for the spread of disinformation, fake news, false promises, lies, and polarizing exaggerations, without real-time public scrutiny. Microtargeting is fundamentally a pernicious abuse of the vast data companies collect about users, enabling voter suppression and election disinformation from foreign governments.

For this reason, I introduced H.R. 7014, the *Banning Microtargeted Political Ads Act*, to prohibit online platforms (e.g., social media platforms, ad networks, and streaming services) from targeting ads based on demographic and behavioral data of users. The bill does allow broad location targeting and targeting ads to individuals who expressly and specifically opt in to receive them. My bill is supported by 20 of our country’s leading elections experts, privacy scholars, and civil society organizations.

Finally, the elephant in the room is whether Congress should amend Section 230 of the Communications Decency Act. I believe we should carefully consider amendments that work with a surgical scalpel, rather than a jackhammer. We must proceed with extreme caution because of the critical role Section 230 plays in enabling so much that is positive about the internet. At the same time, it does seem to me that financial liability is one of the few ways remaining to get platforms to take their responsibilities for removing illegal and harmful content seriously.

I look forward to a productive hearing.