



Statement for the Record
Hearing Before the United States House Judiciary Committee
“Europe’s Threat to American Speech and Innovation”

September 3, 2025

Dear Chairman Jordan, Ranking Member Raskin, and distinguished Members of the House Judiciary Committee:

NetChoice respectfully submits this statement for the record regarding the Committee’s hearing on free speech and innovation. NetChoice is a trade association of leading internet companies committed to promoting the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression. We commend the Committee for holding today’s hearing and for recognizing and addressing the growing threat European online censorship laws pose to Americans’ fundamental rights.

Executive Summary

European regulatory overreach through the Online Safety Act (OSA) and the European Union’s Digital Services Act (DSA) represents an unprecedented assault on American free speech and innovation. These laws, ostensibly designed to protect users from harmful content, have become tools for global censorship that reach directly into American digital spaces. Meanwhile the Digital Markets Act (DMA) deliberately targets American technology companies with punitive regulations that stifle innovation while protecting European competitors.

Alarming, similar censorship regimes are being proposed in the United States through bills like the federal Kids Online Safety Act (KOSA), Kids Off Social Media Act (KOSMA), App Store Accountability Act, and numerous state bills which would import the UK’s flawed regulatory model. Congress must act decisively to protect American citizens’ constitutional rights from both foreign regulatory imperialism and domestic efforts to replicate European censorship frameworks.

The UK’s Online Safety Act: Treating Speech Like a Toxin

The UK’s Online Safety Act (OSA), which just recently went into full effect, treats speech as inherently harmful—akin to tobacco or other dangerous substances. This approach is not only philosophically flawed but practically devastating to free expression. The OSA has already demonstrated its censorship potential through early enforcement actions that have targeted legitimate political discourse and commentary.

The OSA means that American citizens posting on social media platforms accessible in the UK can face prosecution under British law for speech that would be fully protected under the First Amendment. Recent enforcement demonstrates this threat in real-time. As the House Judiciary Republicans Interim staff report details, European authorities have classified common political statements such as “we need

to take back our country" as "illegal hate speech." Polish authorities flagged TikTok content questioning electric vehicles' environmental benefits. French officials ordered removal of immigration policy commentary following terrorist attacks. German regulators labeled calls for deportation of criminal aliens as "incitement to hatred."¹

The OSA's age verification requirements create a surveillance regime threatening all users' privacy. Major platforms now require government identification or extensive personal information. VPN downloads spiked in the UK after implementation, and nearly 500,000 people have petitioned for repeal.² NetChoice's successful legal challenges against similar age verification laws in Arkansas, Ohio, Utah, and California demonstrate that American courts recognize these requirements as unconstitutional violations of First Amendment rights.

This censorship approach directly contradicts American constitutional principles and demonstrates why Congress must reject domestic proposals that follow the same model. KOSA mirrors these same flawed premises, treating speech as inherently harmful and empowering government bureaucrats to define what constitutes "harm" to minors. Other bills like KOSMA and the App Store Accountability Act fall into the European censorship trap by giving the government the power to determine what can be viewed and by whom, even if it obliterates well-established constitutional rights.

The EU's Digital Service Act: A Global Censorship Regime

The European Union's Digital Services Act creates a globe-spanning censorship regime that coerces American social media companies to fundamentally alter their global content moderation policies to align with European bureaucrats' demands. EU regulators are using the DSA's massive penalty structure—fines up to six percent of global revenue—to force American platforms to implement European content moderation standards worldwide.

Since major social media platforms generally maintain one set of terms and conditions that apply globally, DSA requirements effectively become global speech restrictions. This means that rules designed in Brussels are dictating what Americans can see and say in their own social media feeds.

Internal documents obtained by the House Judiciary Committee reveal the DSA's true censorship agenda. In a May 2025 workshop conducted behind closed doors, European Commission regulators labeled the phrase "we need to take back our country"—a standard political rallying cry in American discourse—as "illegal hate speech" that platforms must remove under DSA requirements. In fact, European regulators routinely define political speech, humor, and other First Amendment-protected content as "disinformation" and "hate speech," then require platforms to change their global policies accordingly.

The Trump Administration rightly recognizes these threats to American innovation and free speech. As the President recently declared, "Digital Services Legislation" is "designed to harm, or discriminate against, American Technology," warning that countries maintaining such discriminatory regulations face "substantial additional Tariffs" and export restrictions on American technology.³

¹<https://judiciary.house.gov/media/press-releases/foreign-censorship-threat-how-european-unions-digital-services-act-compels>

²<https://cybernews.com/security/norman-reedus-vpn-surge-rebellion-uks-online-safety-act/#:~:text=Nearly%20500%2C000%20citizens%20signed%20a,Savile%2C%20to%20shut%20down%20debate.>

³ <https://x.com/TrumpTruthOnX/status/1960142088139661791>

The Digital Markets Act: Economic Warfare Against American Innovation

While the DSA targets American speech, the EU's Digital Markets Act represents a coordinated economic assault on American technology leadership. The DMA deliberately targets American companies while exempting European competitors, creating a regulatory framework designed to handicap successful American businesses.

The DMA applies to platforms with more than 45 million EU users—a threshold carefully crafted to capture major American companies while excluding most European services. Of the companies designated as "gatekeepers" under the DMA, only two are non-American: ByteDance (China) and Booking.com (Netherlands). This selective application reveals the Act's true purpose: not fair competition, but regulatory protectionism designed to benefit European companies at American expense.

The DMA's requirements impose massive compliance costs that divert resources from innovation to legal battles. Companies must share proprietary data with competitors, abandon successful business models, and submit to intrusive regulatory oversight. These requirements force American companies to share sensitive technological innovations with foreign competitors, including potential adversaries. The DMA mandates that gatekeepers provide competitors with access to proprietary data, algorithms, and business intelligence that took years and billions of dollars to develop.

The chilling effect on innovation is already measurable: 59% of startups report delaying AI plans due to regulatory concerns, while those that are uncertain about regulation are planning to reduce their AI investments by 28% next year. Businesses estimate that 40% of their tech spend goes towards compliance with regulation, a figure which rises to 45% among startups.

By forcing successful American companies to handicap their products and services, the DMA ultimately harms consumers who benefit from integrated, high-quality digital services. The Act's requirements will lead to less cohesive user experiences and potentially compromise the security and privacy features that American companies have pioneered.

Conclusion

Congress must act decisively to protect American constitutional rights and American economic interests. The alternative—allowing European regulators to establish global control over digital discourse and commerce, while some lawmakers are simultaneously proposing similar anti-growth, anti-innovation, and anti-consumers restrictions domestically—would represent an unprecedented surrender of American sovereignty and constitutional principles.

NetChoice stands ready to work with this Committee and Congress to develop effective responses to European regulatory overreach and to champion policies that protect both free expression and innovation in the digital economy without importing the censorship models that have proven so destructive to free speech abroad. We applaud this Committee's leadership on these important issues.

Thank you for your consideration of our comments. We look forward to working with you to ensure American leadership in the tech space.

Sincerely,

Amy Bos

Director of State and Federal Affairs, NetChoice