

**Opening Statement of Republican Leader
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Joint Hearing: Subcommittees on Consumer Protection and Commerce
and Communications and Technology
“Fostering a Healthier Internet to Protect Consumers”
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As Prepared for Delivery

Good morning and welcome to today’s joint hearing on online content moderation.

As the Republican Leader on the Consumer Protection and Commerce Subcommittee, it’s my priority to protect consumers while preserving the ability for small business and startups to innovate.

In that spirit, today we are discussing online platforms and Section 230 of the Communications Decency Act.

In the early days of the Internet, two companies were sued for content posted on their website by users.

One company sought to moderate content on their platform; the other did not.

In deciding these cases, the Court found the company that did not make any content decisions was immune from liability, but the company that moderated content was not.

It was after these decisions that Congress enacted Section 230.

Section 230 is intended to protect “interactive computer services” from being sued over what users post, while allowing them to moderate content that may be harmful, illicit, or illegal.

This liability protection has played a critically important role in the way we regulate the Internet.

It’s allowed small businesses and innovators to thrive online without fear of frivolous lawsuits from bad actors looking to make a quick buck.

Section 230 is also largely misunderstood. Congress never intended to provide immunity only to websites who are “neutral.”

Congress never wanted platforms to simply be neutral conduits but – in fact – wanted platforms to moderate content.

The liability protection also extended to allow platforms to make good faith efforts to moderate material that is obscene, lewd, excessively violent, or harassing.

There is supposed to be a balance to the use of Section 230. Small Internet companies enjoy a safe harbor to innovate and flourish online while also incentivizing companies to keep the Internet clear of offensive and violent content by empowering these platforms to act and clean up their own site.

The Internet has revolutionized the freedom of speech by providing a platform for every American to have their voice heard and to access an almost infinite amount of information at their fingertips.

Medium and other online blogs have provided a platform for anyone to write an op-ed.

Wikipedia provides free, in-depth information on almost any topic you can imagine, through mostly user-generated and moderated content.

Companies that started in dorm rooms and garages are now global powerhouses.

We take great pride in being the global leader in tech and innovation but while some of our biggest companies certainly have grown, have they matured?

Today, it’s often difficult to go online without seeing harmful, disgusting, and sometimes illegal content.

To be clear, I fully support free speech and believe society strongly benefits from open dialogue and free expression online.

I know there have been some calls for a Big Government mandate to dictate free speech or ensure fairness online – even coming from some of my colleagues on my side of the aisle.

Though I share similar concerns that others have expressed that are driving some of these policy proposals, I do not believe these proposals are consistent with the First Amendment.

Republicans successfully fought to repeal the FCC's Fairness Doctrine for broadcast regulation during the 1980s and I strongly caution against advocating for a similar doctrine online.

It should not be the FCC, FTC, or any government agency's job to moderate free speech online.

Instead, we should continue to provide oversight of Big Tech and their use of Section 230 and encourage constructive discussions on the responsible use of content moderation.

This is an important question that we'll explore with our expert panel today: How do we ensure the companies with enough resources are responsibly earning their liability protection?

We want companies to benefit not only from the "shield" to liability, but also to use the "sword" Congress afforded them to rid their sites of harmful content.

I understand this is a delicate issue and certainly very nuanced.

I want to be very clear, I am not for gutting Section 230. It is essential for consumers and entities in the Internet ecosystem.

Misguided and hasty attempts to amend or even repeal Section 230 for bias or other reasons could have disastrous unintended consequences for free speech and the ability for small companies to provide new and innovative services.

At the same time, it is clear we have reached a point where it is incumbent upon policymakers to have a serious and thoughtful discussion about achieving the balance Section 230 is focused on:

Ensuring small businesses can innovate and grow, while also incentivizing companies to take more responsibility over their platforms.

Thank you. I yield back.