

Opening Statement
The Honorable Jan Schakowsky
Subcommittee on Communications and Technology and
Subcommittee on Consumer Protection and Commerce

Joint Hearing on
“Fostering a Healthier Internet to Protect Consumers”

October 16, 2019

Good morning, and thank you all for attending today’s hearing. The internet has improved our lives in many ways and enabled Americans to more actively participate in society, education and commerce.

Section 230 of the Communications Decency Act has been at the heart of the United States’ internet policy for over 20 years. Many say that this law allowed free speech to flourish, allowing the Internet to grow into what it is today. In the early days of the internet, it was intended to encourage online platforms to moderate user-generated content—to remove offensive, dangerous, or illegal content.

The internet has come a long way since the law was enacted. The amount and sophistication of user posts have increased exponentially. Unfortunately the number of Americans who report experiencing extreme online harassment, which includes sexual harassment, stalking, bullying, and threats of violence, has gone up over the last two years. Likewise, extremism, hate speech, election inference, and other problematic content is proliferating.

The spread of such content is a problem that multi-billion-dollar companies—like Facebook, Google, and Twitter—can’t or won’t fix.

As if this weren’t enough cause for concern, more for-profit businesses are attempting to use section 230 as a liability shield for activities that have nothing to do with 3rd party content or content moderation policies.

In a recent Washington Post article, Uber executives seem to be opening the door to claiming vast immunity from labor, criminal, and local traffic liability based on section 230. This would represent a major unraveling of 200 years of social contracts, community governance, and Congressional intent.

Also at issue is the Federal Trade Commission’s Section 5 authority on unfair or deceptive practices. The FTC has pursued Section five cases on website-generated content, but terms of service violations for third-party content may also be precluded by the 230 immunity.

Lastly, this committee must consider the effects of including 230 language in trade agreements. Today we are having a thoughtful discussion about 230 to ensure we find the right balance between protecting free speech, protecting Americans from violence and harassment online, and ensuring that multibillion-dollar companies can be held accountable to consumers. It strikes me

as premature to export our own political debate on 230 to our trading partners, while at the same time limiting Congress' ability to have said debate.

Each of the issues I mentioned are indications that there may be a larger problem, that 230 may no longer be achieving the goal of encouraging platforms to protect their users. Today, I hope we can discuss holistic solutions.

The internet has provided many benefits to our society, and I look forward to hearing from our witnesses how it can be made even better for consumers.

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