

**Committee on Energy and Commerce**

**Opening Statement as Prepared for Delivery  
of  
Subcommittee on Health Chair Anna G. Eshoo**

***Hearing on “Disinformation Nation: Social Media’s Role in Promoting Extremism and  
Misinformation”***

**March 25, 2021**

Chairs Doyle and Schakowsky, thank you for holding this critically important hearing.

As I’ve said before, misinformation is killing Americans and damaging our democracy. Social media companies – Facebook, YouTube, and Twitter – are a major cause of misinformation proliferating across society.

We’ll hear a lot today about content moderation issues. I have no knowledge of what my colleagues will ask today, but we’ve all seen this movie before. I’ve asked, as have my Democratic colleagues, why companies won’t remove posts and accounts that spread misinformation. My colleagues on the other side of the aisle have asked the opposite question about why certain posts and accounts are being taken down. Though I haven’t found evidence for any alleged anti-conservative bias, I hear their point and doubt I or this hearing will change minds on this issue. These are indeed important questions and issues, but these issues are the symptoms. It’s time we start addressing the disease.

To truly address misinformation, we have to address root problems.

**First, we must use Section 230 strategically.** I was a conferee for the Telecommunications Act of 1996 which included the now famous Section 230. I have a reverence for the core idea of the statute – online user speech must be protected. However, we could not have conceived of the role internet platforms would play in amplifying, recommending, and sorting content using complex and opaque, AI-driven algorithms. Too often, platforms are the ones amplifying illegal or harmful speech, including speech that leads to offline violence.

This is why Rep. Malinowski and I reintroduced our legislation, the *Protecting Americans from Dangerous Algorithms Act*, which narrowly amends Section 230 to remove liability immunity for a platform if its algorithm is used to amplify or recommend content directly relevant to a case involving interference with civil rights (42 U.S.C. 1985); neglect to prevent interference with civil rights (42 U.S.C. 1986); and in cases involving acts of international terrorism (18 U.S.C. 2383). 42 U.S.C. 1985 and 1986 are Reconstruction-era statutes originally designed to reach Ku Klux Klan conspirators. Sadly, they are being invoked in lawsuits against insurrectionists and perpetrators of the January 6<sup>th</sup> attacks.

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This bill is not a panacea for all online harms – no bill is – and I believe it can pair well with some other narrow Section 230 reforms that are being suggested. We should use a scalpel, not a sledgehammer, in reforming this critically important law.

**Second, we must ban surveillance advertising.** We've begun to work in silos where privacy is one problem, advertising is another, and misinformation is a third. I think this is the wrong way to see things. All of these problems, and others, are interconnected. We have to work on all of them and more.

Surveillance advertising is the root of the tree where the poisonous fruit of misinformation thrives. It incents platforms to maximize engagement by collecting unseemly amounts of data to target ads and amplify content that induces anger, anxiety, and fear. It's why algorithmic amplification thrives unchecked.

That's why, Rep. Schakowsky and I will introduce a bill in the coming weeks to ban surveillance advertising altogether. Misinformation is a deadly problem and we must address it at its roots. When a business model is fundamentally harmful, it shouldn't continue.

**Finally, traditional content moderation must be improved.** Platform companies have made important efforts to combat Covid-19 misinformation but the outcomes show that more must be done. According to a Walgreens executive, about 60% of employees and 20% of residents at long-term care facilities declined vaccines. National polls similarly show high levels of hesitancy, and social media is often cited as the cause of vaccine hesitancy.

Some platforms have turned to removing Covid misinformation that can cause 'imminent harm' and labeling the rest. Research shows that introducing additional information to someone that believes medical or science-related misinformation can backfire and cause them to further entrench in their pre-existing views. The implication is clear: Labels just don't cut it. When it comes to Covid-19 misinformation, companies must rely on removals.