

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
U.S. House of Representatives

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives

May 21, 2024

Dear Chair McMorris Rodgers, Ranking Member Pallone:

On behalf of the undersigned organizations representing the technology sector, both large and small, we write to underscore the importance of Section 230 and express our deep concerns with attempts to “sunset” the law - which is really a repeal.

Section 230 of the Communications Act of 1934 (as amended, 47 U.S.C. § 230) provides online platforms with a crucial legal framework that allows for the free exchange of ideas and information while also promoting innovation and economic growth. It has empowered startups and established companies alike to create and maintain spaces where users can freely express themselves, connect with others and access a wide range of content. It has also led to America being the center of digital innovation.

Section 230 generally shields online intermediaries from liability for the content users convey on their services. Despite being portrayed as a special carve out for “Big Tech”, Section 230’s liability shield has enabled companies of all sizes to succeed and create communities that are unique to their platforms. And far from simply being a tool to help usher in the growth of the internet, Section 230 remains essential for maintaining the openness, innovation and freedom of expression that are fundamental to the internet’s continued success and evolution. In fact, the enormous growth in the volume of traffic on websites has made the potential consequences of publisher liability far graver. Section 230 is needed for this purpose now more than ever.

It is also important to emphasize that Section 230 does not protect websites if user-generated content on that site breaks federal criminal law—and never has. Repealing Section 230 will do nothing to address actions that violate federal criminal law as Section 230 has never protected platforms from such illegal actions. But repeal or “sunset” of Section 230 will mean the smallest tech companies and startups will suffer the most as they are less able to afford the massive litigation costs to ultimately win such an onslaught.

“Sunsetting” Section 230 will discourage online businesses from operating speech platforms that host user generated content out of fear of such litigious efforts. Given the high price tag of defending against, or even winning, a lawsuit, the vast majority of sites would be put in the position of hosting less user content or none at all. Further, it would encourage government actors to intimidate platforms into making particular moderation decisions, enabling politicians to “jawbone” companies into influencing online speech. The consequences of such a sunset would result in less free, open speech and dialogue by

internet users. This means Americans lose two-fold if a Section 230 “sunset” is passed: (1) there will be less competition in the tech sector, and (2) their ability to speak freely online will be significantly curbed.

We urge lawmakers to uphold the fundamental protections Section 230 provides to ensure that online platforms can continue to foster diverse dialogue, promote economic growth and maintain a vibrant digital ecosystem. We offer ourselves as a resource to address legitimate safety concerns online while preserving these fundamental protections. Thank you for your attention to this important matter.

Signed,

Chamber of Progress
NetChoice
OfferUp
Software & Information Industry Association (SIIA)

The logo for NetChoice, featuring the word "NetChoice" in a blue, sans-serif font.The logo for OfferUp, featuring the word "OfferUp" in a green, sans-serif font with a registered trademark symbol.

Cc: Members of the Communications and Technology Subcommittee