

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of**

Subcommittee on Communications and Technology Chairman Mike Doyle

Hearing on “Holding Big Tech Accountable: Targeted Reforms to Tech’s Legal Immunity”

December 1, 2021

In August 2015, Wesley Greer, a young man who had been recovering from addiction, went to a website seeking to purchase heroin.

This website’s algorithms took users’ information to steer them to groups and individuals who had similar interests.

In Wesley’s case, the website connected him to a drug dealer.

This dealer had been subject to multiple investigations by law enforcement due to his actions on this particular website.

After the website’s algorithm steered Wesley to this drug dealer’s postings, the two got in direct contact, and Wesley bought what he thought was heroin, but in fact was a lethal dose of fentanyl.

Wesley was found dead on August 19th.

In 2016, another young man, Matthew Herrick, ended an abusive relationship.

He soon realized that his ex had created a fake profile of him on a dating app.

The app’s geotargeting function – and algorithm – allowed other users to connect with the fake profile.

Through this app, Matthew’s ex sent men to Matthew’s home and work with the expectation that they would be fulfilling his rape fantasy.

The traumatizing encounters—followed home and into stairwells, accosted after a shift—shook Matthew both emotionally and professionally.

Matthew repeatedly asked the app to remove the fake profile. The app, however, did nothing.

Wesley’s family and Matthew share something in common – they were denied the basic opportunity to determine if these websites shared any legal blame along with the users who posted the content.

The question of whether the platforms should be held liable—the companies that developed the algorithms, gathered data, and profited off of the users—was precluded by Section 230.

They might not have won, but they never even got to have their case tried.

These are just two instances of 230 locking the courthouse doors to people with real world injuries caused by online actions.

Since I have chaired this subcommittee, we've held multiple hearings on this issue.

We've heard from CEOs of the largest tech platforms, we've heard from small platforms, we've heard from experts, and we've heard from those most affected by these behaviors.

These oversight activities didn't start with me, though – Republicans have been investigating the issue as well.

They have a number of discussion drafts and bills they have introduced.

Many of those ideas are worth exploring.

The concept of not providing immunity for the platforms' algorithms, for example, are in both the Justice Against Malicious Algorithms Act and Mrs. McMorris-Rogers' discussion draft.

There is bipartisan desire to reform the court's interpretation of Section 230 and the American public wants to see us getting things done.

I urge all my colleagues, Republican and Democratic, to bring their ideas forward now and work together on bipartisan legislation.

Because we cannot continue to wait.

The largest tech companies would like nothing more than for Congress to fight amongst itself while nothing happens.

And they welcome those complaining about process, claiming that Congress doesn't understand, or saying this would break the internet – because these platforms don't want to be held accountable.

The users suffering harm deserve better from us, and we will act.

But for the pandemic, we would have some of these victims with us in the room today.

While they cannot be here in person, the family of Wesley is watching today; Matthew Herrick is watching; and the advocates for children, marginalized groups, and victims' rights are watching.

To start today, we will hear from experts about the harms we are seeing online.

Our second expert panel will focus on the proposals to reform Section 230.

And in a little over a week, Chairwoman Schakowsky will continue this series in her subcommittee, reviewing legislation that can bring additional transparency and accountability for the problems we consider today.

I thank our panelists for joining us and I look forward to their testimony.

With that, I would like to yield the remainder of my time to Congresswoman Eshoo.