

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

May 3, 2021

The Honorable Katherine C. Tai
United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508

Dear Ambassador Tai:

We write to express our concern regarding the inclusion of language resembling Section 230 of the Communications Decency Act of 1996¹ in any trade agreements while the Congress is seriously considering modifications to this statute. The Committee shared the same bipartisan concern during negotiations of the United States-Mexico-Canada Agreement.²

Section 230 shields online platforms from some of the liability associated with third-party content posted on those platforms.³ As you may know, the effects of Section 230 and the appropriate role of such a liability shield have become the subject of much debate in recent years.⁴ While we take no view on that debate in this letter, we find it inappropriate for the United States to export language mirroring Section 230 while such serious policy discussions are ongoing. For that reason, we do not believe any provisions regarding intermediary liability protections are ripe for inclusion in any trade deal going forward. Given that our Committee closely oversees Section 230 and all portions of the Telecommunications Act of 1996, we also hope the Office of the United States Trade Representative will consult our Committee in the future in advance of negotiating on these issues.

¹ 47 U.S.C. § 230.

² Letter from Frank Pallone, Jr., Chairman, House Committee on Energy and Commerce and Greg Walden, Ranking Member, House Committee on Energy and Commerce, to The Honorable Robert E. Lighthizer, United States Trade Representative (Aug. 6, 2019).

³ 47 U.S.C. § 230(c)(1)-(2).

⁴ *Section 230: What It Is, and Why Politicians Want to Change It* The Wall Street Journal (March 25, 2021).

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Thank you for your attention to this important matter. Should you have any questions regarding this letter, please contact Gerald Leverich of the Majority Staff at (202) 225-2927 or Kate O'Connor of the Minority Staff at (202) 225-3641.

Sincerely,



Frank Pallone, Jr.
Chairman



Cathy McMorris Rodgers
Ranking Member