



---

**Committee:** Senate Commerce, Science & Transportation Committee  
**Event:** [Liability or Deniability? Platform Power as Section 230 Turns 30](#)  
**Date:** March 19, 2026

---

***Executive Summary:***

On March 18, 2026, the Senate Committee on Commerce, Science, and Transportation held a hearing to examine the impact of Section 230 on the modern internet, focusing heavily on kids' online safety, platform accountability, and the emerging challenges of generative artificial intelligence (AI).

- Bipartisan consensus emerged around the reality that children are facing unprecedented harm online, with lawmakers and witnesses debating whether a traditional "duty of care" standard for product design should supersede Section 230's liability shield.
- Republicans emphasized the dangers of government jawboning and Big Tech censorship of conservative speech, warning that a full repeal of Section 230 could perversely result in platforms over-censoring lawful speech to avoid litigation.
- Democrats heavily criticized platforms for using Section 230 as a blanket excuse to ignore egregious harms to youth, emphasizing the urgent need for robust data privacy laws and algorithmic accountability.

***Member Toplines:***

[Chair Ted Cruz \(R-TX\)](#): Cruz cautioned against a full repeal of Section 230, arguing it would incentivize tech platforms to increase censorship to protect themselves from lawsuits. He condemned government jawboning to suppress lawful speech and highlighted his [Take It Down Act](#) as a targeted legislative solution to protecting children online.

[Sen. Brian Schatz \(D-HI\)](#)<sup>1</sup>: Schatz argued that Section 230 is an outdated statute and criticized platforms for using it to avoid accountability for harms to users. He urged Congress to make significant reform to the provision to better protect online users, calling it Congress's duty.

***Witness Toplines:***

[Daphne Keller, Director of Platform Regulation, Program in Law, Science, and Technology, Stanford Law School](#): Keller argued that while Section 230 is imperfect, it strikes a necessary balance protecting speech and competition, and repealing it would likely worsen the internet without improving safety. She emphasized that First Amendment limits mean removing Section 230 would not solve core content moderation challenges. She concluded that repeal would

---

<sup>1</sup> Sen. Schatz's opening remarks were unavailable at the time of this memo's distribution.

increase legal risk, distort moderation practices, and harm smaller platforms, urging Congress to pursue alternatives like privacy protections instead.

[Nadine Farid Johnson, Policy Director, Knight First Amendment Institute](#): Johnson highlighted that a significant portion of harmful online speech is already shielded by the First Amendment, meaning Section 230 reforms alone are insufficient. She advocated for structural reforms to combat Big Tech monopolies, such as enacting strong data privacy laws, researcher safe harbors, and interoperability mandates. Johnson suggested that Congress could condition Section 230 immunity on platforms actively complying with these transparency and privacy requirements.

[Matthew Bergman, Founding Attorney, Social Media Victims Law Center](#): Bergman argued that Section 230 was intended to protect traditional publishing, not to shield platforms from liability for harmful or addictive product designs, and has been interpreted too broadly. He concluded that Congress should reform the law to reflect its original intent and impose a duty of reasonable care on tech companies.

[Brad Carson, President, Americans for Responsible Innovation](#): Carson argued that generative AI systems do not qualify for Section 230 immunity because their outputs are generated by the model's design and training data, rather than being third-party content.

### **Major Takeaways:**

- Sen. **Tammy Baldwin** (D-WI) partially defended Section 230 and discussed the important role it plays in protecting access to information.
  - She noted that the internet is a crucial place for people to find information on topics like reproductive healthcare, LGBTQ identity, and workplace rights when government officials attempt to censor it. She asked witnesses to explain how Section 230 specifically "works to protect access to information that people rely on to make informed decisions."
  - Keller agreed that Section 230 is "vital" to protecting online access to information. She highlighted a Texas state law that, in the absence of Section 230 protections, would allow individuals to sue platforms for hosting such information.
- Baldwin confirmed with witnesses that Section 230 does not prohibit platforms from engaging in content moderation.
- Schatz, while critical of how platforms currently use the statute as a shield, expressed a desire to interpret the existing law correctly before rushing to replace it entirely.
  - Bergman encouraged lawmakers to reform the provision to re-clarify the statute's original intent.
- Sen. **Jacky Rosen** (D-NV) highlighted that eliminating Section 230 could undermine platforms like Wikipedia and Reddit by threatening their decentralized moderation models, which are key to their vibrant user communities.
- Sen. **Marsha Blackburn** (R-TN) argued for sunseting Section 230, stating that Big Tech prioritizes profits over safety and is incapable of self-regulation.

- Lawmakers and witnesses broadly agreed that AI developers must be subject to common law and product liability theories if their products generate harmful material or actively encourage dangerous behavior.
- Sen. **Deb Fischer** (R-NE) explored the distinction between hosting content and actively amplifying it, questioning whether algorithms that actively push harmful content should lose Section 230 protection.
  - She acknowledged the value of Section 230's original intent, noting that the challenge before Congress is ensuring accountability while maintaining an environment for free speech, and that "Section 230 was designed to meet both of those goals."
- Sen. **John Curtis** (R-UT) promoted the Algorithm Accountability Act ([S. 3193](#)) and distinguished between hosting speech and utilizing addictive design features to aggressively distribute.
  - Sen. **Ben Ray Lujan** (D-NM) questioned whether platforms that intentionally design algorithmic features to addict children should ever be immune from liability. He also explored whether generative AI outputs qualify for Section 230 protection. Carson argued generative AI systems should not be covered under Section 230.
  - Keller argued that a Section 230 carveout for algorithms may result in a "Disneyfied" internet, whereby platforms purge any content that could be deemed "risky."
- Sen. **Amy Klobuchar** (D-MN) advocated for interoperability mandates to break Big Tech monopolies and promoted the passage of the Children and Teens' Online Privacy Protection Act ([S. 836](#)) alongside Sen. **Ed Markey** (D-MA).
- Sen. **Eric Schmitt** (R-MO) promoted the COLLUDE Act ([S. 69](#)), which would strip Section 230 protections from platforms that violate users' First Amendment rights.