Democrats take first stab at reforming Section 230 after Capitol riots

Senate Democrats unveiled a new bill Friday that could force tech giants like Facebook and Google to be held more accountable for harmful content that leads to real-world violence.

The SAFE TECH Act, introduced by Sens. Mark Warner (D-VA), Amy Klobuchar (D-MN), and Mazie Hirono (D-HI), would overhaul Section 230 to the Communications Decency Act, a law that protects large tech platforms from liability over the content posted by their users. The Democrats' bill would open new pathways for users to sue companies if content posted on their platforms threatens them personally with harassment, discrimination, or other forms of abuse.

The bill also prohibits Section 230 from applying to ads or other paid content on platforms, targeting a large source of revenue for companies like Facebook and Google.

"When Section 230 was enacted in 1996, the Internet looked very different than it does today. A law meant to encourage service providers to develop tools and policies to support effective moderation has instead conferred sweeping immunity on online providers even when they do nothing to address foreseeable, obvious and repeated misuse of their products and services to cause harm," Warner said in a statement Friday.

The SAFE TECH Act is the Democrats' first big content moderation bill following last month's deadly attack on the Capitol. Shortly after the riot, tech platforms from Twitter

to Parler were targeted for their alleged roles in the violence that transpired in Washington. Parler, the right's formerly favored free speech platform, was forced offline for weeks after web hosts like AWS pulled their services to the site, alleging that posts on the platform encouraged violence.

Following the Capitol riots, lawmakers looked to Section 230 as a means of addressing misinformation and harmful content that may have led rioters to storm the Capitol. Days after, House Oversight Committee Chair Carolyn Maloney (D-NY) called on the FBI to open an investigation into Parler for its perceived role in the attack. Other House Democrats, like Rep. Anna Eshoo (D-CA), signed onto letters to the CEOs of Facebook, Twitter, and YouTube calling on them to audit their algorithms and make changes that could limit virality on harmful content.

With Democrats now in control of Congress and the presidency, previous negotiations on Section 230 have been flipped on their heads. Changing the law was first championed by Republicans who sought to punish tech companies over the lawmakers' baseless claims that the platforms were biased against conservatives. Now, Democrats are moving to reform 230 in a way that punishes platforms for disinformation and harmful content.

"We need to be asking more from big tech companies, not less. How they operate has a real-life effect on the safety and civil rights of Americans and people around the world, as well as our democracy. Holding these platforms accountable for ads and content that can lead to real-world harm is critical, and this legislation will do just that," Klobuchar said in a statement Friday.

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