

Repeal of CDA Section 230?

New Media and Technology Law Blog on January 17, 2020

In an [interview](#) with the editorial board of the *New York Times*, published today, former Vice President Joe Biden advocated for repeal of [Section 230 of the Communications Decency Act](#) (CDA). As readers of this blog may know, the CDA offers service providers protections that underpin the hosting of much of the user-generated content (both good and bad) on the web and social media.

The CDA expressly treats online providers that host or “publish” third party content differently than their offline counterparts, and frees online providers from certain obligations associated with moderating the flood of user-generated content that is uploaded to their servers. The immunities under CDA Section 230 have facilitated the growth of e-commerce and social media, but at the same time has also allowed for the proliferation of fake content and hateful speech. In recent years, the CDA has reached a crossroads of sorts, with the [passage of FOSTA in 2018](#) and with more and more federal legislators on both sides of the aisle calling for “Silicon Valley” to be reined in and Section 230 to be curtailed or amended. One wonders, however, how curtailing the CDA would affect the vibrancy of the internet. If the present or future Congress reaches some consensus and tinkers with CDA Section 230, would that intentionally (or unintentionally) change the online “rules” that many entities have come to rely on since the CDA was passed over 20 years ago?

[View Original](#)

Related Professionals

- **Jeffrey D. Neuburger**
Partner