

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

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

August 6, 2019

The Honorable Robert E. Lighthizer
United States Trade Representative
600 17th Street, NW
Washington, DC 20508

Dear Ambassador Lighthizer:

We write to express our concern regarding the inclusion of Article 19.17 in the United States-Mexico-Canada Agreement (USMCA).

In many respects, the language of Article 19.17 mirrors that of Section 230 of the Communications Decency Act.¹ Section 230 shields online platforms from some of the liability associated with third-party content posted on those platforms.²

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.³ 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 provision regarding intermediary liability protections of the type created by Article 19.17 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 in the future the Office of the United States Trade Representative will consult our committee in advance of negotiating on these issues.

¹ Compare United States-Mexico-Canada Agreement, art. 19.17, (Nov. 30, 2018) *with* 47 U.S.C. § 230.

² 47 U.S.C. § 230(c)(1)-(2).

³ See e.g., *The Most Important Law in Tech Has a Problem*, Wired (Jan. 3, 2017) (www.wired.com/2017/01/the-most-important-law-in-tech-has-a-problem/).

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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 Robin Colwell of the Minority Staff at (202) 225-3641.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.
Chairman

A handwritten signature in blue ink that reads "Greg Walden" in a cursive style.

Greg Walden
Ranking Member