

116TH CONGRESS
2D SESSION

S. 4534

To amend section 230 of the Communications Act of 1934 to modify the scope of protection from civil liability for “good Samaritan” blocking and screening of offensive material.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2020

Mr. WICKER (for himself, Mr. GRAHAM, and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend section 230 of the Communications Act of 1934 to modify the scope of protection from civil liability for “good Samaritan” blocking and screening of offensive material.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Online Freedom and
5 Viewpoint Diversity Act”.

1 **SEC. 2. PROTECTION FROM CIVIL LIABILITY FOR “GOOD**
2 **SAMARITAN” BLOCKING AND SCREENING OF**
3 **OFFENSIVE MATERIAL.**

4 Section 230 of the Communications Act of 1934 (47
5 U.S.C. 230) is amended—

6 (1) in subsection (c)—

7 (A) in paragraph (1)—

8 (i) by striking “No provider” and in-
9 serting the following:

10 “(A) IN GENERAL.—No provider”; and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(B) APPLICABILITY.—

14 “(i) IN GENERAL.—Subparagraph (A)
15 shall not apply to any decision or agree-
16 ment made or action taken by a provider
17 or user of an interactive computer service
18 to restrict access to or availability of mate-
19 rial provided by another information con-
20 tent provider.

21 “(ii) CIVIL LIABILITY.—Any applica-
22 ble immunity for a decision or agreement
23 made or action taken by a provider or user
24 of an interactive computer service de-
25 scribed in clause (i) shall be provided solely
26 by paragraph (2).”; and

1 (B) in paragraph (2)—

2 (i) in subparagraph (A)—

3 (I) by striking “considers to be”
4 and inserting “has an objectively rea-
5 sonable belief is”; and

6 (II) by striking “or otherwise ob-
7 jectionable” and inserting “promoting
8 self-harm, promoting terrorism, or un-
9 lawful”; and

10 (ii) in subparagraph (B), by striking
11 “paragraph (1)” and inserting “subpara-
12 graph (A)”; and

13 (2) in subsection (f)(3)—

14 (A) by striking “The term” and inserting
15 the following:

16 “(A) IN GENERAL.—The term”; and

17 (B) by adding at the end the following:

18 “(B) RESPONSIBILITY.—For purposes of
19 subparagraph (A), being responsible in whole or
20 in part for the creation or development of infor-
21 mation—

22 “(i) includes any instance in which a
23 person or entity editorializes or affirma-
24 tively and substantively modifies the con-
25 tent of another person or entity; and

1 “(ii) does not include a change to the
2 format, layout, or basic appearance of the
3 content of another person or entity.”.

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