

117TH CONGRESS
1ST SESSION

H. R. 3827

To amend section 230 of the Communications Act of 1934 to ensure that the immunity under such section incentivizes online platforms to responsibly address illegal content while not immunizing the disparate treatment of ideological viewpoints and continuing to encourage a vibrant, open, and competitive internet, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2021

Mr. JORDAN (for himself, Mr. McCLINTOCK, Mr. BISHOP of North Carolina, Mr. TIFFANY, Mrs. SPARTZ, Mr. STEUBE, Mr. JOHNSON of Louisiana, Mr. FITZGERALD, Mr. ISSA, and Mrs. FISCHBACH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 230 of the Communications Act of 1934 to ensure that the immunity under such section incentivizes online platforms to responsibly address illegal content while not immunizing the disparate treatment of ideological viewpoints and continuing to encourage a vibrant, open, and competitive internet, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protect Speech Act”.

3 **SEC. 2. AMENDMENTS.**

4 Section 230(c) of the Communications Act of 1934
5 (47 U.S.C. 230(c)) is amended to read as follows:

6 “(c) PROTECTION FOR ‘GOOD SAMARITAN’ BLOCK-
7 ING AND SCREENING OF OFFENSIVE MATERIAL.—

8 “(1) TREATMENT OF PUBLISHER OR SPEAK-
9 ER.—

10 “(A) IN GENERAL.—No provider or user of
11 an interactive computer service shall be treated
12 as the publisher or speaker of any information
13 provided by another information content pro-
14 vider.

15 “(B) APPLICABILITY OF IMMUNITY.—Sub-
16 paragraph (A) shall not apply to any action by
17 a provider or user of an interactive computer
18 service to restrict access to or availability of
19 material provided by another information con-
20 tent provider. Any immunity under this section
21 for such action shall be provided solely by para-
22 graph (2).

23 “(C) NO LIABILITY FOR GOOD FAITH RE-
24 MOVAL.—For purposes of subparagraph (A), no
25 provider or user of an interactive computer
26 service shall be treated as the publisher or

1 speaker for any other information on the service
2 provided by another information content pro-
3 vider solely on account of actions voluntarily
4 taken in good faith to restrict access to or
5 availability of specific material that the provider
6 or user has an objectively reasonable belief vio-
7 lates the terms of service or use of the provider
8 or user, as applicable.

9 “(2) CIVIL LIABILITY.—No provider or user of
10 an interactive computer service shall be held liable
11 on account of—

12 “(A) any action voluntarily taken in good
13 faith to restrict access to or availability of ma-
14 terial that the provider or user has an objec-
15 tively reasonable belief is obscene, lewd, lasciv-
16 ious, filthy, excessively violent, promoting ter-
17 rorism or violent extremism, harassing, pro-
18 moting self-harm, or unlawful, whether or not
19 such material is constitutionally protected; or

20 “(B) any action taken to enable or make
21 available to information content providers or
22 others the technical means to restrict access to
23 material described in subparagraph (A).

24 “(3) LIABILITY FOR INFORMATION.—Being re-
25 sponsible in whole or in part for the creation or de-

1 velopment of information includes instances in which
2 a person or entity solicits, comments upon, funds, or
3 affirmatively and substantively contributes to, modi-
4 fies, or alters information provided by another per-
5 son or entity.

6 “(4) GOOD FAITH.—In addition to the other
7 applicable requirements, in order for a provider or
8 user to avoid liability under paragraph (1)(C) or
9 (2)(A), such provider or user shall meet the fol-
10 lowing requirements, if applicable:

11 “(A) Makes publicly available terms of
12 service or use that state plainly and with par-
13 ticularity the criteria the interactive computer
14 service employs in content-moderation practices
15 of the service.

16 “(B) Restricts access to or availability of
17 material consistent with those terms of service
18 or use and with any official representations or
19 disclosures regarding the internet service pro-
20 vider’s content-moderation practices.

21 “(C) Does not restrict access to or avail-
22 ability of material on deceptive grounds or
23 apply terms of service or use to restrict access
24 to or availability of material that is similarly

1 situated to material that the service inten-
2 tionally declines to restrict.

3 “(D) Supplies the provider of the material
4 with timely notice describing with particularity
5 the reasonable factual basis for the restriction
6 of access and a meaningful opportunity to re-
7 spond, unless—

8 “(i) a law enforcement agency asks
9 that such notice not be made;

10 “(ii) a service reasonably believes that
11 the material relates to terrorism or other
12 criminal activity; or

13 “(iii) such notice would risk imminent
14 harm to others.”.

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