

118TH CONGRESS
1ST SESSION

H. R. 2635

To amend section 230 of the Communications Act of 1934 to limit liability protection provided by such section for providers of social media service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2023

Mr. SANTOS 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 limit liability protection provided by such section for providers of social media service, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “The Big-Tech Account-
5 ability Act of 2023”.

6 **SEC. 2. LIMITATION ON LIABILITY FOR PROVIDERS OF SO-**
7 **CIAL MEDIA SERVICE.**

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

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

3 (2) by inserting after subsection (e) the fol-
4 lowing:

5 “(f) PROVIDERS OF SOCIAL MEDIA SERVICE.—

6 “(1) IN GENERAL.—Paragraphs (1) and (2) of
7 subsection (e) shall not apply to a provider of a so-
8 cial media service that is a company with respect to
9 any information provided through the service by an-
10 other information content provider after the date of
11 the enactment of this subsection.

12 “(2) PROHIBITION.—

13 “(A) IN GENERAL.—It shall be unlawful
14 for a provider of social media service that is a
15 company to de-platform a citizen of the United
16 States after the date this 90 days after the en-
17 actment of this subsection on the basis of the
18 social, political, or religious status of such cit-
19 izen even if the citizen through the social media
20 service of the provider clearly violates a policy
21 of the company relating to—

22 “(i) hate speech;

23 “(ii) sexual harassment;

24 “(iii) discrimination on the basis of
25 sex, religion, or sexual orientation; or

1 “(iv) making violent threats, violent
2 speech, or violent declarations.

3 “(B) CIVIL PENALTY.—A provider that
4 violates subparagraph (A) with respect to a cit-
5 izen of the United States shall be liable for a
6 civil penalty in an amount of \$5,000 for each
7 day that the provider de-platforms the citizen.

8 “(3) DEFINITIONS.—In this subsection:

9 “(A) DE-PLATFORM A CITIZEN OF THE
10 UNITED STATES.—The term ‘de-platform a cit-
11 izen of the United States’ means, with respect
12 to an account of the citizen, an action taken
13 to—

14 “(i) decrease engagement with the ac-
15 count by users of the service;

16 “(ii) permanently suspend the ac-
17 count; or

18 “(iii) restricting the ability of a citizen
19 to provide content through the account.

20 “(B) SOCIAL MEDIA SERVICE.—The term
21 ‘social media service’—

22 “(i) means an interactive computer
23 service that—

24 “(I) allows for or hosts virtual
25 facilitation of material, content, or in-

1 formation over the service for the pur-
2 pose of facilitating public or wide-
3 spread interaction with such material,
4 content, or information;

5 “(II) is meant for public dis-
6 course that focuses on communication
7 and expression of ideas or opinions; or

8 “(III) hosts publicly accessible
9 information or content, public or
10 widespread interaction, and content
11 distribution through the service; and

12 “(ii) includes interactive computer
13 service provided by—

14 “(I) Meta;

15 “(II) Facebook;

16 “(III) Twitter;

17 “(IV) Instagram; and

18 “(V) Tik Tok.”.

○