

AMENDMENT NO. _____ Calendar No. _____

Purpose: To clarify that efforts of a provider or user of an interactive computer service to identify, restrict access to, or remove objectionable material shall not be considered in determining the criminal or civil liability of the provider or user for other material.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 1865

To amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . EFFECT ON LIABILITY OF EFFORTS TO IDEN-**
3 **TIFY, RESTRICT ACCESS TO, OR REMOVE OB-**
4 **JECTIONABLE MATERIAL.**

5 (a) IN GENERAL.—Section 230(c) of the Communica-
6 tions Act of 1934 (47 U.S.C. 230(c)) is amended by add-
7 ing at the end the following:

1 “(3) EFFECT OF EFFORTS TO IDENTIFY, RE-
2 STRICT ACCESS TO, OR REMOVE OBJECTIONABLE
3 MATERIAL.—

4 “(A) EFFECT ON CRIMINAL AND CIVIL LI-
5 ABILITY GENERALLY.—The fact that a provider
6 or user of an interactive computer service has
7 undertaken any efforts (including monitoring
8 and filtering) to identify, restrict access to, or
9 remove material the provider or user considers
10 objectionable shall not be considered in deter-
11 mining the criminal or civil liability of the pro-
12 vider or user for any material that the provider
13 or user has not removed or restricted access to.

14 “(B) EFFECT ON PROTECTIONS.—The pro-
15 tections under paragraphs (1) and (2) are not
16 limited by or contingent upon an interactive
17 computer service provider’s—

18 “(i) moderation of content; or

19 “(ii) use of particular content modera-
20 tion practices.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall—

23 (1) take effect on the date of enactment of this
24 Act; and

1 (2) apply regardless of whether the conduct al-
2 leged occurred, or is alleged to have occurred, before,
3 on, or after such date of enactment.