116TH CONGRESS  
2D Session 

S.

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

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

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”.

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

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

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “No provider” and inserting the following:

“(A) IN GENERAL.—No provider”; and

(ii) by adding at the end the following:

“(B) APPLICABILITY.—

“(i) IN GENERAL.—Subparagraph (A) shall not apply to any decision or agreement made or action taken by a provider or user of an interactive computer service to restrict access to or availability of material provided by another information content provider.

“(ii) CIVIL LIABILITY.—Any applicable immunity for a decision or agreement made or action taken by a provider or user of an interactive computer service described in clause (i) shall be provided solely by paragraph (2).”; and
(B) in paragraph (2)—

   (i) in subparagraph (A)—

      (I) by striking “considers to be”

      and inserting “has an objectively rea-

      sonable belief is”; and

      (II) by striking “or otherwise ob-

      jectionable” and inserting “promoting

      self-harm, promoting terrorism, or un-

      lawful”; and

   (ii) in subparagraph (B), by striking

      “paragraph (1)” and inserting “subpara-

      graph (A)”;

(2) in subsection (f)(3)—

   (A) by striking “The term” and inserting

   the following:

      “(A) IN GENERAL.—The term”; and

   (B) by adding at the end the following:

      “(B) RESPONSIBILITY.—For purposes of

      subparagraph (A), being responsible in whole or

      in part for the creation or development of infor-

      mation—

      “(i) includes any instance in which a

      person or entity editorializes or affirma-

      tively and substantively modifies the con-

      tent of another person or entity; and


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