

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To amend section 230 of the Communications Act of 1934 to provide that such section has no effect on claims relating to counterfeit products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend section 230 of the Communications Act of 1934 to provide that such section has no effect on claims relating to counterfeit products, 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 [“_____ Act
5 of 2021”].

1 **SEC. 2. NO EFFECT ON CLAIMS RELATING TO COUNTER-**
2 **FEIT PRODUCTS.**

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

5 (1) in subsection (e), by adding at the end the
6 following:

7 “(6) NO EFFECT ON CLAIMS RELATING TO
8 COUNTERFEIT PRODUCTS.—In addition to the excep-
9 tion provided by paragraph (1) for Federal criminal
10 statutes, nothing in this section (other than sub-
11 section (e)(2)(A)) shall be construed to impair or
12 limit any action for civil penalties, damages, or equi-
13 table relief based on advertising or reasonably fore-
14 seeable offers to sell or introduce into interstate
15 commerce a counterfeit product.”; and

16 (2) in subsection (f), by adding at the end the
17 following:

18 [“(5) COUNTERFEIT PRODUCT.—The term
19 ‘counterfeit product’ means—]

20 [“(A) a counterfeit mark (as defined in
21 section 2320(f) of title 18, United States Code);
22 or]

23 [“(B) a counterfeit military good or serv-
24 ice (as defined in such section).”.]