

[DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

H. R. _____

To amend section 230 of the Communications Act of 1934 to provide for a “bad Samaritan” exclusion from immunity under such section, 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 for a “bad Samaritan” exclusion from immunity under such section, 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. “BAD SAMARITAN” EXCLUSION FROM SECTION 230**
2 **IMMUNITY.**

3 Section 230(c) of the Communications Act of 1934
4 (47 U.S.C. 230(c)) is amended by adding at the end the
5 following:

6 “(3) ‘BAD SAMARITAN’ EXCLUSION.—

7 “(A) IN GENERAL.—In the case of an
8 interactive computer service provider that is a
9 covered company, paragraph (1) shall not apply
10 in any criminal prosecution under State law or
11 any State or Federal civil action brought
12 against such interactive computer service pro-
13 vider if, at the time of the facts giving rise to
14 the prosecution or action, such interactive com-
15 puter service provider acted purposefully with
16 the conscious object to promote, solicit, or fa-
17 cilitate material or activity by another informa-
18 tion content provider that such interactive com-
19 puter service provider knew or had reason to
20 believe would violate Federal criminal law, if
21 knowingly disseminated or engaged in.

22 【“(B) COVERED COMPANY DEFINED.—In
23 this paragraph, the term ‘covered company’
24 means a company that provides any interactive
25 computer service that—】

1 【“(i) generates \$3,000,000,000 or
2 more in annual revenue; and】
3 【“(ii) has 300,000,000 or more
4 monthly active users.”.】