

**AMENDMENT TO DISCUSSION DRAFT
OFFERED BY MR. SOTO OF FLORIDA**

Page 152, after line 15, insert the following:

1 **SEC. 126. PROHIBITION ON USING IDENTITY OF ANOTHER**
2 **TO MAKE AVAILABLE CERTAIN INFORMA-**
3 **TION.**

4 (a) PROHIBITION.—

5 (1) IN GENERAL.—A person may not make
6 available covered information on an interactive com-
7 puter service.

8 (2) APPLICABILITY TO CERTAIN PROVIDERS.—

9 Notwithstanding section 230(e)(1) of the Commu-
10 nications Act of 1934 (47 U.S.C. 230(e)(1)), para-
11 graph (1) of this subsection applies to a provider of
12 an interactive computer service with respect to infor-
13 mation provided by another information content pro-
14 vider on the interactive computer service.

15 (b) CIVIL ACTION.—

16 (1) IN GENERAL.—An individual may bring a
17 civil action against a person for a violation of sub-
18 section (a) in an appropriate district court of the
19 United States.

1 (2) RELIEF.—In a civil action brought under
2 paragraph (1) in which the plaintiff prevails, the
3 court may award the plaintiff—

4 (A) an amount equal to the sum of any ac-
5 tual damages;

6 (B) injunctive relief, including, with re-
7 spect to a provider of an interactive computer
8 service, that such provider may be required to
9 remove the applicable covered information and
10 make publicly available a notice explaining that
11 the source of the applicable covered information
12 was a person other than the plaintiff; and

13 (C) reasonable attorney fees and litigation
14 costs.

15 (c) DEFINITIONS.—In this section:

16 (1) COVERED INFORMATION.—The term “cov-
17 ered information” means information that is—

18 (A) libelous, slanderous, or criminal; and

19 (B) presented by a person using the iden-
20 tity of an individual (who is not such person)—

21 (i) without the authorization of such
22 individual; and

23 (ii) in a manner that suggests such
24 individual is the source of such informa-
25 tion.

1 (2) INFORMATION CONTENT PROVIDER.—The
2 term “information content provider” has the mean-
3 ing given that term in section 230(f) of the Commu-
4 nications Act of 1934 (47 U.S.C. 230(f)).

5 (3) INTERACTIVE COMPUTER SERVICE.—The
6 term “interactive computer service” has the meaning
7 given that term in section 230(f) of the Communica-
8 tions Act of 1934 (47 U.S.C. 230(f)).

