

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3849
OFFERED BY MR. JORDAN OF OHIO**

Strike line 1 and all that follows through line 8 on page 23, and insert the following:

1 **SEC. 1. SHORT TITLE.**

2 This Act may be cited as the “Protect Speech Act”.

3 **SEC. 2. AMENDMENTS.**

4 Section 230(c) of the Communications Act of 1934
5 (47 U.S.C. 230(c)) is amended to read as follows:

6 “(c) PROTECTION FOR ‘GOOD SAMARITAN’ BLOCK-
7 ING AND SCREENING OF OFFENSIVE MATERIAL.—

8 “(1) TREATMENT OF PUBLISHER OR SPEAK-
9 ER.—

10 “(A) IN GENERAL.—No provider or user of
11 an interactive computer service shall be treated
12 as the publisher or speaker of any information
13 provided by another information content pro-
14 vider.

15 “(B) APPLICABILITY OF IMMUNITY.—Sub-
16 paragraph (A) shall not apply to any action by
17 a provider or user of an interactive computer
18 service to restrict access to or availability of

1 material provided by another information con-
2 tent provider. Any immunity under this section
3 for such action shall be provided solely by para-
4 graph (2).

5 “(C) NO LIABILITY FOR GOOD FAITH RE-
6 MOVAL.—For purposes of subparagraph (A), no
7 provider or user of an interactive computer
8 service shall be treated as the publisher or
9 speaker for any other information on the service
10 provided by another information content pro-
11 vider solely on account of actions voluntarily
12 taken in good faith to restrict access to or
13 availability of specific material that the provider
14 or user has an objectively reasonable belief vio-
15 lates the terms of service or use of the provider
16 or user, as applicable.

17 “(2) CIVIL LIABILITY.—No provider or user of
18 an interactive computer service shall be held liable
19 on account of—

20 “(A) any action voluntarily taken in good
21 faith to restrict access to or availability of ma-
22 terial that the provider or user has an objec-
23 tively reasonable belief is obscene, lewd, lasciv-
24 ious, filthy, excessively violent, promoting ter-
25 rorism or violent extremism, harassing, pro-

1 moting self-harm, or unlawful, whether or not
2 such material is constitutionally protected; or

3 “(B) any action taken to enable or make
4 available to information content providers or
5 others the technical means to restrict access to
6 material described in subparagraph (A).

7 “(3) LIABILITY FOR INFORMATION.—Being re-
8 sponsible in whole or in part for the creation or de-
9 velopment of information includes instances in which
10 a person or entity solicits, comments upon, funds, or
11 affirmatively and substantively contributes to, modi-
12 fies, or alters information provided by another per-
13 son or entity.

14 “(4) GOOD FAITH.—In addition to the other
15 applicable requirements, in order for a provider or
16 user to avoid liability under paragraph (1)(C) or
17 (2)(A), such provider or user shall meet the fol-
18 lowing requirements, if applicable:

19 “(A) Makes publicly available terms of
20 service or use that state plainly and with par-
21 ticularity the criteria the interactive computer
22 service employs in content-moderation practices
23 of the service.

24 “(B) Restricts access to or availability of
25 material consistent with those terms of service

1 or use and with any official representations or
2 disclosures regarding the internet service pro-
3 vider’s content-moderation practices.

4 “(C) Does not restrict access to or avail-
5 ability of material on deceptive grounds or
6 apply terms of service or use to restrict access
7 to or availability of material that is similarly
8 situated to material that the service inten-
9 tionally declines to restrict.

10 “(D) Supplies the provider of the material
11 with timely notice describing with particularity
12 the reasonable factual basis for the restriction
13 of access and a meaningful opportunity to re-
14 spond, unless—

15 “(i) a law enforcement agency asks
16 that such notice not be made;

17 “(ii) a service reasonably believes that
18 the material relates to terrorism or other
19 criminal activity; or

20 “(iii) such notice would risk imminent
21 harm to others.”.

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