

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3816
OFFERED BY M . _____**

Page. 1, line 15, strike “or”. at the end.

Page. 1, line 17, strike the period and insert “; or”.

Page 1, after line 17, insert the following:

1 (4) engages in politically biased content mod-
2 eration.

Page 9, after line 12, insert the following:

3 (4) PRIVATE RIGHT OF ACTION.—

4 (A) CLAIM.—A person whose content has
5 been subject to politically biased content mod-
6 eration by a covered platform operator may
7 bring a civil action in any district court where
8 the covered platform operator resides or trans-
9 acts business.

10 (B) REMEDY.—In an action described in
11 subparagraph (A), a court may award a pre-
12 vailing plaintiff any actual damages, costs, a
13 reasonable attorney’s fee, and punitive damages
14 of not more than \$100,000.

Pg. 13, line 17, insert the following:

1 (11) POLITICALLY . BIASED CONTENT MODERA-
2 TION.—The phrase “politically biased content mod-
3 eration” means a covered platform operator’s mod-
4 eration of information or content in a manner
5 that—

6 (A) is designed to negatively affect a polit-
7 ical party, political candidate, or political view-
8 point; or

9 (B) disproportionately restricts or pro-
10 motes access to, or the availability of, informa-
11 tion from or speech by a political party, political
12 candidate, or representative of a particular po-
13 litical viewpoint.

14 (C) Exception. An action of a qualifying
15 company that disproportionately restricts access
16 to, or the availability of, information from a po-
17 litical party, political candidate, or political
18 viewpoint shall not be considered politically bi-
19 ased moderation if the action is necessary for a
20 legitimate business purpose or to comply with
21 another provision of law, or if the content mod-
22 erated is not speech that would be protected
23 under the First Amendment of the United
24 States Constitution, there is no available alter-

1 native that has a less disproportionate effect,
2 and the qualifying company does not act with
3 the intent to discriminate based on political af-
4 filiation, political party, or political viewpoint.

