

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.

S. 4632

To amend title 17, United States Code, to establish an alternative dispute resolution program for copyright small claims, to amend the Communications Act of 1934 to modify the scope of protection from civil liability for “good Samaritan” blocking and screening of offensive material, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. HAWLEY

Viz:

- 1 In section 1(b), insert after the item relating to sec-
- 2 tion 201 the following:

Sec. 202. Private right of action against edge providers.

- 3 After section 201, insert the following:

4 **SEC. 202. PRIVATE RIGHT OF ACTION AGAINST EDGE PRO-**
5 **VIDERS.**

- 6 Section 230 of the Communications Act of 1934 (47
- 7 U.S.C. 230), as amended by section 201, is further
- 8 amended—

1 (1) in subsection (c)(2)—

2 (A) by redesignating subparagraphs (A)
3 and (B) as clauses (i) and (ii), respectively, and
4 adjusting the margins accordingly;

5 (B) in the matter preceding clause (i), as
6 so redesignated, by striking “No provider” and
7 inserting the following:

8 “(A) IN GENERAL.—No provider”;

9 (C) in subparagraph (A)(ii), as so redesign-
10 nated, by striking “paragraph (1)” and insert-
11 ing “clause (i)”; and

12 (D) by adding at the end the following:

13 “(B) PRIVATE RIGHT OF ACTION.—A per-
14 son aggrieved by an action taken by an edge
15 provider voluntarily to restrict access to or
16 availability of material that is not taken in good
17 faith may bring a civil action against the edge
18 provider in any court of competent jurisdiction
19 to obtain—

20 “(i) the greater of—

21 “(I) damages of \$5,000; or

22 “(II) actual damages;

23 “(ii) a reasonable attorney’s fee; and

24 “(iii) costs and other expenses de-
25 scribed in sections 1821 and 1920 of title

1 28, United States Code (or, in the case of
2 an action brought in State court, any simi-
3 lar costs and other expenses).”; and

4 (2) in subsection (f), by adding at the end the
5 following:

6 “(5) EDGE PROVIDER.—The term ‘edge pro-
7 vider’—

8 “(A) means an entity that—

9 “(i) provides an interactive computer
10 service—

11 “(I) through a website, online ap-
12 plication, or mobile application (in-
13 cluding a single interactive computer
14 service that is provided through more
15 than 1 such website or application);

16 “(II) through which information
17 provided by another information con-
18 tent provider is distributed; and

19 “(III) that, in any month during
20 the most recently completed 12-month
21 period—

22 “(aa) more than 30,000,000
23 users in the United States
24 accessed, without regard to the

1 means by which the users
2 accessed the service; or

3 “(bb) more than
4 300,000,000 users worldwide
5 accessed, without regard to the
6 means by which the users
7 accessed the service; and

8 “(ii) during the most recently com-
9 pleted taxable year, had more than
10 \$1,500,000,000 in global revenue; and

11 “(B) does not include an organization de-
12 scribed in section 501(c) of the Internal Rev-
13 enue Code of 1986 that is exempt from taxation
14 under section 501(a) of such Code.”.