

Section 230 Legislation in the 117th Congress

47 USC 230, commonly referred to as Section 230, was passed as part of the Communications Decency Act of 1996. Section 230 provides immunity for website platforms for third-party content posted on their platforms and allows platforms to remove or restrict content the service provider finds objectionable. This immunity has allowed the ad-supported internet to grow over the past 25 years without publishers facing crippling lawsuits for user-posted content.

Both parties have raised issues about this immunity and support repeal or modification – for different reasons. Republicans, including Senators Josh Hawley (R-MO) and Ted Cruz (R-TX), believe that platforms use Section 230 to censor the views of conservatives. Democrats, such as Senators Mark Warner (D-VA) and Amy Klobuchar (D-MN), want to remove the protections of Section 230 from ads and paid content, while allowing users to sue over content that threatens them with harassment or discrimination.

Senate

Bill Number	Bill Title
S. 47	Adversarial Platform Prevention Act of 2021 (APP Act)
Sponsor	Description
Rubio (R-FL)	This bill would require owners and operators of covered foreign software to provide consumers with a warning prior to the download of the software and requires annual reports to the FTC and DOJ on the privacy practices of the owner concerning US users. It would also remove Section 230 protection from owners of covered foreign software.
Cosponsors	History
None	1.26.2021: Introduced in Senate 1.26.2021: Referred to the Senate Committee on Commerce, Science, and Transportation

Bill Number	Bill Title
S. 299	Safeguarding Against Fraud, Exploitation, Threats, Extremism and Consumer Harms Act (SAFE TECH Act)
Sponsor	Description
Warner (D-VA)	This bill would modify Section 230 to clarify that it does not provide liability protections for advertising and other paid content; bar injunctive relief arising from the failure of the provider to prevent irreparable harm; hinder the enforcement of civil rights laws; affect antitrust law; impair the enforcement of stalking, harassment, or intimidation laws; bar actions against wrongful death; and bar suits under the Alien Tort Claims Act.
Cosponsors	History
Hirono (D-HI) Klobuchar (D-MN) Kaine (D-VA)	2.8.2021: Introduced in Senate 2.8.2021: Referred to the Senate Committee on Commerce, Science, and Transportation

Bill Number	Bill Title
S. 427	Promoting Responsibility Over Moderation In the Social-media Environment Act (PROMISE Act)
Sponsor	Description
Lee (R-UT)	This bill would require covered entities implement and operate a information moderation policy, disclose it publicly, and not make deceptive policy statements regarding such moderation policy. The policy must contain any category of information not allowed on the service or subject to moderation and the notification process.
Cosponsors	History
Moran (R-KS) Braun (R-IN)	2.24.2021: Introduced in Senate 2.24.2021: Referred to the Senate Committee on Commerce, Science, and Transportation

House of Representatives

Bill Number	Bill Title
H.R. 83	Protecting Constitutional Rights from Online Platform Censorship Act
Sponsor	Description
DesJarlais (R-TN/4)	This bill would prevent internet platforms from taking action to restrict access to or the availability of constitutionally or legally protected material of a user of such platform. Includes a private right of action for the user, who may obtain monetary relieve of not less than \$10,000 but not more than \$50,000 per action.
Cosponsors	History
None	1.4.2021: Introduced in House 1.4.2021: Referred to the House Committee on Energy and Commerce

Bill Number	Bill Title
H.R. 277	Limiting Section 230 Immunity to Good Samaritans Act
Sponsor	Description
Budd (R-NC/13)	This bill would limit Section 230 immunity to service providers that act only in good faith and do not intentionally selectively enforce the terms of service or policies relating to restricting access to or availability of material (including through the use of an algorithm). Users can seek damages not less than \$5,000 per violation.
Cosponsors	History
2 (2 R)	1.12.2021: Introduced in House 1.12.2021: Referred to the House Committee on Energy and Commerce

Bill Number	Bill Title
H.R. 285	Curbing Abuse and Saving Expression In Technology Act (CASE-IT Act)
Sponsor	Description
Stuebe (R-FL/17)	This bill would limit Section 230 liability for illegal, exploitative, or harmful content, as well as limiting it for providers that make content moderation decisions that are not consistent with the First Amendment. It includes a private right of action with a provision for damages up to \$500,000 (and triple damages for willful or knowing violations).
Cosponsors	History
4 (4 R)	1.12.2021: Introduced in House 1.12.2021: Referred to the House Committee on Energy and Commerce

Bill Number	Bill Title
H.R. 874	Abandoning Online Censorship Act (AOC Act)
Sponsor	Description
Gohmert (R-TX/1)	This bill repeals Section 230.
Cosponsors	History
None	2.5.2021: Introduced in House 2.5.2021: Referred to the House Committee on Energy and Commerce

Bill Number	Bill Title
H. Res. 142	Condemning big tech's partisan censorship practices
Sponsor	Description
Lamborn (R-CO/5)	This resolution states that the House condemns Twitter, Facebook, Google, Apple, and Amazon's "biased and unwarranted ban and censorship" of Donald Trump; strongly denounced unwarranted censorship of conservative media accounts, and demands the named platforms end their discriminatory practices and protect free speech.
Cosponsors	History
3 (3 R)	2.22.2021: Introduced in House 2.22.2021: Referred to the House Committee on Energy and Commerce