

117TH CONGRESS
1ST SESSION

H. R. 83

To amend the Communications Act of 1934 to protect constitutional rights from online platform censorship, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mr. DESJARLAIS introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to protect constitutional rights from online platform censorship, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Constitu-
5 tional Rights from Online Platform Censorship Act”.

6 **SEC. 2. PROTECTION OF CONSTITUTIONAL RIGHTS.**

7 (a) IN GENERAL.—Section 230(c) of the Communica-
8 tions Act of 1934 (47 U.S.C. 230) is amended—

9 (1) in the heading, by striking “PROTECTION
10 FOR ‘GOOD SAMARITAN’ BLOCKING AND SCREENING

1 OF OFFENSIVE MATERIAL” and inserting “BLOCK-
2 ING AND SCREENING OF LAWFUL AND CONSTITU-
3 TIONAL MATERIAL”; and

4 (2) by amending paragraph (2) to read as fol-
5 lows:

6 “(2) PROHIBITION.—

7 “(A) IN GENERAL.—It shall be unlawful
8 for any internet platform to take an action to
9 restrict access to or the availability of protected
10 material of a user of such platform.

11 “(B) PRIVATE RIGHT OF ACTION.—If an
12 internet platform takes an action to restrict ac-
13 cess to or the availability of protected material
14 of a user of such platform, such user may bring
15 an action in an appropriate State court or an
16 appropriate district court of the United States
17 against such platform to obtain the relief de-
18 scribed under subparagraph (C).

19 “(C) RELIEF.—A user that prevails in a
20 civil action under subparagraph (B) may obtain
21 monetary relief of not less than \$10,000 but
22 not more than \$50,000 per action described
23 under subparagraph (A).

24 “(D) PROTECTED MATERIAL DEFINED.—

25 In this paragraph, the term ‘protected material’

1 means material that is protected under the
2 Constitution or otherwise protected under Fed-
3 eral, State, or local law.”.

4 (b) EFFECTIVE DATE.—This Act, and the amend-
5 ments made by this Act, shall take effect 30 days after
6 the date of the enactment of this Act.

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