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PROPOSED 2023 “PROTECTING ONLINE FREEDOM OF SPEECH” ACT

PREPARED BY

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12/3/21

118TH CONGRESS **H.R.** _____
1ST SESSION

To amend section 230 of the Communications Act of 1934 (commonly referred to as the Communications Decency Act) to protect online freedom of speech by stopping censorship of Constitutionally protected free speech, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY __, 2023

ELIZABETH KREISELMAIER introduced the following bill; which was referred to the Committee on Energy and Commerce.

A BILL

To amend section 230 of the Communications Act of 1934 (commonly referred to as the Communications Decency Act) to prevent online censorship of Constitutionally protected free speech by removing immunity for tech companies that engage in it, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Online Freedom of Speech” Act.

SEC. 2. REVOCATION OF IMMUNITIES.

Section 230(c) of the Communications Act of 1934 ([47 U.S.C. 230\(c\)](#)) is amended—

(1) in the heading, by striking “AND SCREENING OF OFFENSIVE MATERIAL” and inserting “AND SCREENING OF ILLEGAL OR CERTAIN CATEGORIES OF CONTENT”; and

(2) in paragraph (2) Civil Liability—

(A) in subparagraph (A)—

(i) by striking “to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected” and inserting “to restrict access to or availability of material that the provider or user considers to be illegal or integral to illegal behavior, obscene, pornographic, excessively violent, physically threatening or predatory”

(ii) by striking “; or” and inserting a semicolon;

(B) in subparagraph (B), by striking “paragraph (1).” and inserting “subparagraph (A).”