

117TH CONGRESS
1ST SESSION

S. _____

To require transparency, accountability, and protections for consumers online.

IN THE SENATE OF THE UNITED STATES

Mr. SCHATZ (for himself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require transparency, accountability, and protections for consumers online.

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 “Platform Account-
5 ability and Consumer Transparency Act” or the “PACT
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) COMMISSION.—Except as otherwise pro-
10 vided, the term “Commission” means the Federal
11 Trade Commission.

1 (2) DEMONETIZE.—The term “demonetize”,
2 with respect to content on an interactive computer
3 service, means to take action to prohibit the infor-
4 mation content provider that generated or dissemi-
5 nated the content from receiving direct financial
6 compensation from the interactive computer service
7 provider based on the content.

8 (3) DEPRIORITIZE.—The term “deprioritize”,
9 with respect to content on an interactive computer
10 service, means to take affirmative, content-specific
11 action to reduce the priority level of the content.

12 (4) ILLEGAL ACTIVITY.—The term “illegal ac-
13 tivity” means activity conducted by an information
14 content provider that has been determined by a trial
15 or appellate Federal or State court in an inter
16 partes proceeding to violate Federal criminal or civil
17 law.

18 (5) ILLEGAL CONTENT.—The term “illegal con-
19 tent” means information provided by an information
20 content provider that has been determined by a trial
21 or appellate Federal or State court in an inter
22 partes proceeding to violate—

23 (A) Federal criminal or civil law; or

24 (B) State defamation law.

1 (6) INDIVIDUAL PROVIDER.—The term “indi-
2 vidual provider” means a provider of an interactive
3 computer service that, during the most recent 12-
4 month period—

5 (A) received fewer than 100,000 unique
6 monthly visitors; and

7 (B) accrued revenue of less than
8 \$1,000,000.

9 (7) INFORMATION CONTENT PROVIDER.—The
10 term “information content provider” has the mean-
11 ing given the term in section 230 of the Communica-
12 tions Act of 1934 (47 U.S.C. 230).

13 (8) INTERACTIVE COMPUTER SERVICE.—The
14 term “interactive computer service” has the meaning
15 given the term in section 230 of the Communica-
16 tions Act of 1934 (47 U.S.C. 230).

17 (9) POTENTIALLY POLICY-VIOLATING CON-
18 TENT.—The term “potentially policy-violating con-
19 tent” means content that may violate the acceptable
20 use policy of the provider of an interactive computer
21 service.

22 (10) SMALL BUSINESS PROVIDER.—The term
23 “small business provider” means a provider of an
24 interactive computer service that is not an individual

1 provider and, during the most recent 12-month pe-
2 riod—

3 (A) received fewer than 1,000,000 unique
4 monthly visitors; and

5 (B) accrued revenue of less than
6 \$50,000,000.

7 **SEC. 3. FINDINGS.**

8 Congress finds the following:

9 (1) Technological advancements involving the
10 internet and interactive computer service providers
11 have led to innovations that offer substantial benefit
12 to the people and the economy of the United States.

13 (2) People in the United States increasingly
14 rely on interactive computer services to commu-
15 nicate, gather information, and conduct transactions
16 that are central to our economic, political, social,
17 and cultural life.

18 (3) The content moderation decisions made by
19 providers of interactive computer services shape the
20 online information ecosystem available to people in
21 the United States and impact free expression.

22 (4) There is a compelling government interest
23 in having providers of interactive computer services
24 provide information to the public about their content
25 moderation policies and practices because of the im-

1 pact those policies may have on the speech interests
2 of their consumers.

3 (5) The people of the United States benefit
4 from transparent information about the decisions
5 interactive computer service providers make regard-
6 ing their content moderation practices, including re-
7 moving, maintaining, blocking, amplifying,
8 prioritizing, or deprioritizing information provided
9 by other consumers.

10 (6) The Federal Government should hold inter-
11 active computer service providers accountable when
12 they fail to respond to consumers' concerns about
13 their content moderation decisions.

14 (7) Federal and State court decisions and Fed-
15 eral statutes and regulations that apply to offline
16 commerce do not always govern online commerce
17 and communications.

18 (8) The rights of consumers should extend to
19 online commerce and communications to provide a
20 level playing field for all consumers and companies,
21 and to prevent wrongdoing and victimization of peo-
22 ple in the United States.

23 **SEC. 4. POLICY.**

24 It is the policy of the United States—

1 (1) to preserve the internet and other inter-
2 active computer services as forums for diversity of
3 political discourse, opportunities for cultural develop-
4 ment, and places for intellectual and commercial ac-
5 tivity;

6 (2) to ensure consumers have accessible and
7 clear information about the acceptable use policies of
8 interactive computer service providers so that con-
9 sumers are informed about the content moderation
10 policies and practices of those providers when they
11 participate in, or engage with, those services;

12 (3) to create accountability and transparency
13 measures to diminish the likelihood that interactive
14 computer service providers are engaging in unfair or
15 deceptive practices;

16 (4) to encourage the development and use of
17 technologies that minimize illegal activities and con-
18 tent and potentially policy-violating content; and

19 (5) to ensure that the consumer rights of users
20 of interactive computer services are maintained and
21 extended to activities that the users may participate
22 in online.

23 **SEC. 5. TRANSPARENCY AND PROCESS REQUIREMENTS.**

24 (a) ACCEPTABLE USE POLICY.—

1 (1) PUBLICATION OF ACCEPTABLE USE POL-
2 ICY.—A provider of an interactive computer service
3 shall publish an acceptable use policy in accordance
4 with paragraph (2) in a location that is easily acces-
5 sible to the user.

6 (2) CONTENTS OF POLICY.—The acceptable use
7 policy of a provider of an interactive computer serv-
8 ice shall—

9 (A) reasonably inform users about the
10 types of content that are allowed on the inter-
11 active computer service;

12 (B) explain the steps the provider takes to
13 ensure content complies with the acceptable use
14 policy;

15 (C) explain the means by which users can
16 notify the provider of potentially policy-violating
17 content, illegal content, or illegal activity, which
18 shall include—

19 (i) subject to subsection (e), making
20 available a live company representative
21 through a toll-free telephone number dur-
22 ing regular business hours for not fewer
23 than 8 hours per day and 5 days per week
24 to assist users with the process of making
25 a complaint;

1 (ii) an email address or relevant in-
2 take mechanism to handle user complaints;
3 and

4 (iii) subject to subsection (e), a com-
5 plaint system described in subsection (b);
6 and

7 (D) include publication of a biannual
8 transparency report outlining actions taken to
9 enforce the policy, as described in subsection
10 (d).

11 (b) COMPLAINT SYSTEM.—Subject to subsection (e),
12 a provider of an interactive computer service shall provide
13 a system that is easily accessible to a user through which
14 the user may submit in good faith, and track, a complaint
15 regarding any content or activity on the interactive com-
16 puter service, including a complaint regarding—

17 (1) potentially policy-violating content, illegal
18 content, or illegal activity; or

19 (2) a decision of the interactive computer serv-
20 ice provider to remove content posted by the infor-
21 mation content provider.

22 (c) PROCESSING OF COMPLAINTS.—

23 (1) COMPLAINTS REGARDING ILLEGAL CON-
24 TENT, ILLEGAL ACTIVITY, OR POTENTIALLY POLICY-
25 VIOLATING CONTENT.—

1 (A) ILLEGAL CONTENT OR ILLEGAL ACTIV-
2 ITY.—Subject to subsection (e), if a provider of
3 an interactive computer service receives notice
4 of illegal content or illegal activity on the inter-
5 active computer service that substantially com-
6 plies with the requirements under paragraph
7 (3)(B)(ii) of section 230(e) of the Communica-
8 tions Act of 1934 (47 U.S.C. 230(e)), as added
9 by section 6(a), the provider shall remove the
10 content or stop the activity not later than 4
11 days after receiving the notice, subject to rea-
12 sonable exceptions, including concerns about the
13 legitimacy of the notice.

14 (B) POTENTIALLY POLICY-VIOLATING CON-
15 TENT.—Subject to subsection (e), if a provider
16 of an interactive computer service receives a
17 complaint made in good faith regarding poten-
18 tially policy-violating content on the interactive
19 computer service, the provider shall, not later
20 than 14 days after receiving the complaint—

21 (i) review the content;

22 (ii) determine whether the content ad-
23 heres to the acceptable use policy of the
24 provider; and

1 (iii) initiate appropriate steps based
2 on the determination made under clause
3 (ii), subject to reasonable extensions in
4 cases requiring extraordinary investigation.

5 (2) PROCESS AFTER REMOVAL OF CONTENT.—

6 (A) REMOVAL BASED ON USER COM-
7 PLAINT.—

8 (i) IN GENERAL.—Subject to clause
9 (ii), if a provider of an interactive com-
10 puter service removes potentially policy-vio-
11 lating content based on a user complaint,
12 the provider of the interactive computer
13 service shall, concurrently with the re-
14 moval—

15 (I) notify the information content
16 provider and the complainant of the
17 removal and explain why the content
18 was removed;

19 (II) allow the information content
20 provider to appeal the decision; and

21 (III) notify the information con-
22 tent provider and the complainant
23 of—

1 (aa) the determination re-
2 garding the appeal under sub-
3 clause (II); and

4 (bb) in the case of a reversal
5 of the decision to remove the con-
6 tent in question, the reason for
7 the reversal.

8 (ii) EXCEPTIONS.—A provider of an
9 interactive computer service shall not be
10 required to provide an information content
11 provider with notice or an opportunity to
12 appeal under clause (i) if—

13 (I) the provider of the interactive
14 computer service is unable to contact
15 the information content provider after
16 taking reasonable steps to do so; or

17 (II)(aa) the provider of the inter-
18 active computer service reasonably be-
19 lieves that such notice would risk im-
20 minent harm to any person or impede
21 law enforcement activities; or

22 (bb) a law enforcement agency
23 requests that the provider of the
24 interactive computer service not pro-
25 vide such notice.

1 (B) REMOVAL BASED ON MODERATION DE-
2 CISIONS OF INTERACTIVE COMPUTER SERVICE
3 PROVIDER.—If a provider of an interactive com-
4 puter service receives notice, through a com-
5 plaint from the information content provider,
6 that the provider of the interactive computer
7 service removed content of the information con-
8 tent provider that the information content pro-
9 vider believes was not potentially policy-vio-
10 lating content, the provider of the interactive
11 computer service shall, not later than 14 days
12 after receiving notice—

13 (i) review the content;

14 (ii) determine whether the content ad-
15 heres to the acceptable use policy of the
16 provider of the interactive computer serv-
17 ice;

18 (iii) take appropriate steps based on
19 the determination made under clause (ii);
20 and

21 (iv) notify the information content
22 provider regarding the determination made
23 under clause (ii) and steps taken under
24 clause (iii).

25 (d) BIENNIAL TRANSPARENCY REPORT.—

1 (1) IN GENERAL.—Subject to subsection (e), as
2 part of the acceptable use policy required under sub-
3 section (a), a provider of an interactive computer
4 service shall publish a transparency report every 6
5 months in accordance with this subsection.

6 (2) REQUIREMENTS.—A provider of an inter-
7 active computer service shall include in the report
8 required under paragraph (1)—

9 (A) the total number of unique monthly
10 visitors to the interactive computer service dur-
11 ing the preceding 6-month and 12-month peri-
12 ods;

13 (B) the number of instances during the
14 preceding 6-month period in which illegal con-
15 tent, illegal activity, or potentially policy-vio-
16 lating content was flagged—

17 (i) due to a complaint by a user of the
18 interactive computer service;

19 (ii) internally, by—

20 (I) an employee or contractor of
21 the provider; or

22 (II) an internal automated detec-
23 tion tool, not including content or ac-
24 tivity identified as—

25 (aa) spam; or

1 (bb) fraudulent activity; or

2 (iii) by another type of entity, such as
3 a government agency, third-party re-
4 searcher, or other provider of an inter-
5 active computer service;

6 (C) the number of instances during the
7 preceding 6-month period in which the inter-
8 active computer service provider took action
9 with respect to illegal content, illegal activity, or
10 known potentially policy-violating content due
11 to its nature as illegal content, illegal activity,
12 or known potentially policy-violating content,
13 respectively, and the type of action taken, in-
14 cluding the number of instances of content re-
15 moval, content demonetization, content
16 deprioritization, appending content with an as-
17 sessment, account suspension, account removal,
18 or any other action taken in accordance with
19 the acceptable use policy of the provider, cat-
20 egorized by—

21 (i) the category of rule violated, with
22 respect to the acceptable use policy;

23 (ii) the source of the flag, including
24 government, user, internal automated de-
25 tection tool, coordination with other inter-

1 active computer service providers, or per-
2 sonnel employed or contracted for by the
3 provider;

4 (iii) the country of the information
5 content provider; and

6 (iv) whether the action was in re-
7 sponse to a coordinated campaign, as de-
8 termined by the interactive computer serv-
9 ice provider;

10 (D) the number of instances during the
11 preceding 6-month period in which the inter-
12 active computer service provider decided to not
13 take action under subsection (c)(1)(B)(iii) with
14 respect to content that violated the acceptable
15 use policy of the provider;

16 (E)(i) the number of instances during the
17 preceding 6-month period in which an informa-
18 tion content provider appealed a decision to re-
19 move potentially policy-violating content; and

20 (ii) the percentage of appeals described in
21 clause (i) that resulted in the restoration of
22 content;

23 (F) a descriptive summary of the kinds of
24 tools, practices, actions, and techniques used
25 during the preceding 6-month period in enforce-

1 ing the acceptable use policy of the interactive
2 computer service provider that does not jeop-
3 ardize the effectiveness of these tools; and

4 (G) any other information with respect to
5 the preceding 6-month period that would en-
6 hance the effectiveness of the transparency re-
7 port, as determined by the interactive computer
8 service provider.

9 (3) PRIVACY.—An interactive computer service
10 provider shall publish the report under paragraph
11 (1) in a manner that preserves the privacy of infor-
12 mation content providers.

13 (4) FORMAT.—A provider of an interactive
14 computer service shall publish the information de-
15 scribed in paragraph (2) with an open license, in a
16 machine-readable and open format, and in a location
17 that is easily accessible to consumers.

18 (e) INDIVIDUAL AND SMALL BUSINESS PROVIDER
19 EXEMPTIONS.—

20 (1) INDIVIDUAL PROVIDERS.—The following
21 provisions shall not apply to an individual provider:

22 (A) Clauses (i) and (iii) of subsection
23 (a)(2)(C) (relating to a live company represent-
24 ative and a complaint system, respectively).

1 (B) Subsection (b) (relating to a complaint
2 system).

3 (C) Paragraphs (1)(B) and (2) of sub-
4 section (c) (relating to processing complaints
5 regarding potentially policy-violating content
6 and the process after removal of such content,
7 respectively).

8 (D) Subsection (d) (relating to a trans-
9 parency report).

10 (2) SMALL BUSINESS PROVIDERS.—

11 (A) IN GENERAL.—The following provi-
12 sions shall not apply to a small business pro-
13 vider:

14 (i) Subsection (a)(2)(C)(i) (relating to
15 a live company representative).

16 (ii) Subsection (d) (relating to a
17 transparency report).

18 (B) DEADLINE FOR PROCESSING COM-
19 PLAINTS REGARDING POTENTIALLY POLICY-VIO-
20 LATING CONTENT.—Subsection (c)(1)(B) shall
21 be applied to a small business provider by sub-
22 stituting “21 days” for “14 days”.

23 (f) INTERNET INFRASTRUCTURE SERVICE EXEMP-
24 TION.—Subsections (a) through (e) shall not apply to—

1 (1) a provider of an interactive computer serv-
2 ice that is used by another interactive computer
3 service for the management, control, or operation of
4 that other interactive computer service, including for
5 services such as web hosting, domain registration,
6 content delivery networks, caching, security, back-
7 end data storage, and cloud management; or

8 (2) a provider of broadband internet access
9 service, as that term is defined in section 8.1(b) of
10 title 47, Code of Federal Regulations (or any suc-
11 cessor regulation).

12 (g) ENFORCEMENT BY COMMISSION.—

13 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
14 TICES.—

15 (A) IN GENERAL.—A violation of sub-
16 section (c)(1)(B), (c)(2), or (d) shall be treated
17 as a violation of a rule defining an unfair or de-
18 ceptive act or practice under section
19 18(a)(1)(B) of the Federal Trade Commission
20 Act (15 U.S.C. 57a(a)(1)(B)).

21 (B) LIMITATION ON AUTHORITY.—Nothing
22 in subparagraph (A) shall be construed to su-
23 persede paragraph (1) or (2) of section 230(c)
24 of the Communications Act of 1934 (47 U.S.C.
25 230(c)) or to otherwise authorize the Commis-

1 sion to review any action or decision by a pro-
2 vider of an interactive computer service related
3 to the application of the acceptable use policy of
4 the provider.

5 (2) POWERS OF COMMISSION.—

6 (A) IN GENERAL.—Except as provided in
7 subparagraph (C), the Commission shall enforce
8 this section in the same manner, by the same
9 means, and with the same jurisdiction, powers,
10 and duties as though all applicable terms and
11 provisions of the Federal Trade Commission
12 Act (15 U.S.C. 41 et seq.) were incorporated
13 into and made a part of this Act.

14 (B) PRIVILEGES AND IMMUNITIES.—Ex-
15 cept as provided in subparagraph (C), any per-
16 son who violates this section shall be subject to
17 the penalties and entitled to the privileges and
18 immunities provided in the Federal Trade Com-
19 mission Act (15 U.S.C. 41 et seq.).

20 (C) NONPROFIT ORGANIZATIONS.—Not-
21 withstanding section 4 of the Federal Trade
22 Commission Act (15 U.S.C. 44) or any jurisdic-
23 tional limitation of the Commission, the Com-
24 mission shall also enforce this section, in the
25 same manner provided in subparagraphs (A)

1 and (B) of this paragraph, with respect to orga-
2 nizations not organized to carry on business for
3 their own profit or that of their members.

4 (h) NO EFFECT ON OTHER LAWS.—Nothing in this
5 section shall impair, limit, expand, or otherwise affect the
6 scope or application of—

7 (1) rule 65 of the Federal Rules of Civil Proce-
8 dure;

9 (2) section 1651 of title 28, United States Code
10 (commonly known as the “All Writs Act”); or

11 (3) any law pertaining to intellectual property,
12 including—

13 (A) title 17, United States Code; and

14 (B) the Act entitled “An Act to provide for
15 the registration and protection of trademarks
16 used in commerce, to carry out the provisions
17 of certain international conventions, and for
18 other purposes”, approved July 5, 1946 (com-
19 monly known as the “Trademark Act of 1946”
20 or the “Lanham Act”) (15 U.S.C. 1051 et seq).

21 (i) GAO REPORT ON WHISTLEBLOWER PROTECTION
22 AND AWARDS.—Not later than 1 year after the date of
23 enactment of this Act, the Comptroller General of the
24 United States shall submit a report to Congress assessing
25 the viability, including the anticipated cost and benefit to

1 consumers, of establishing a whistleblower protection and
2 award program for employees and contractors of inter-
3 active computer services, to be administered by the Com-
4 mission, that would enable reporting and enforcement of
5 violations of consumer protections that take place online.

6 (j) NIST VOLUNTARY FRAMEWORK.—

7 (1) IN GENERAL.—Not later than 18 months
8 after the date of enactment of this Act, the Director
9 of the National Institute of Standards and Tech-
10 nology shall develop a voluntary framework, with
11 input from relevant experts, that consists of non-
12 binding standards, guidelines, and best practices to
13 manage risk and shared challenges related to, for
14 the purposes of this Act, good faith moderation
15 practices by interactive computer service providers.

16 (2) CONTENTS.—The framework developed
17 under paragraph (1) shall include—

18 (A) technical standards and processes for
19 the sharing of information among providers of
20 an interactive computer service;

21 (B) recommendations on automated detec-
22 tion tools and the appropriate nature and level
23 of human review to correct for machine error in
24 assessing nuanced or context-specific issues;

1 (C) standards and processes for providing
2 researchers access to data to conduct scientific,
3 historical, statistical, and other relevant re-
4 search, including with respect to content that is
5 removed, demonetized, or deprioritized by the
6 provider of an interactive computer service; and

7 (D) methods to strengthen the capacity of
8 a provider of an interactive computer service to
9 authenticate documentation of a determination
10 by a court that content or an activity violates
11 Federal law or State defamation law.

12 **SEC. 6. PROTECTION EXEMPTIONS.**

13 (a) EXEMPTION FROM LIABILITY PROTECTION.—
14 Section 230(c) of the Communications Act of 1934 (47
15 U.S.C. 230(c)) is amended by adding at the end the fol-
16 lowing:

17 “(3) PROTECTION EXEMPTION.—

18 “(A) IN GENERAL.—The protection under
19 paragraph (1) shall not apply to a provider of
20 an interactive computer service, with respect to
21 illegal content shared or illegal activity occur-
22 ring on the interactive computer service, if the
23 provider—

24 “(i) has knowledge of the illegal con-
25 tent or illegal activity; and

1 tivity was determined in an inter
2 partes proceeding to violate Federal
3 criminal or civil law or State defama-
4 tion law, and to the extent available,
5 any references substantiating the va-
6 lidity of the order, such as the web
7 addresses of public court docket infor-
8 mation.

9 “(II) Identification of the illegal
10 content or illegal activity, including
11 information reasonably sufficient to
12 permit the provider to locate and ad-
13 dress the illegal content or each user
14 or account engaged in illegal activity,
15 such as each specific piece of content
16 or each account involved, including
17 URLs, links, or unique usernames.

18 “(III) Information reasonably
19 sufficient to permit the provider to
20 contact the complaining party, which
21 shall include—

22 “(aa) if the complaining
23 party is a user of the interactive
24 computer service, information
25 identifying the user account; and

1 “(bb) if the complaining
2 party is not a user of the inter-
3 active computer service, an email
4 address of the complaining party.

5 “(IV) A statement by the com-
6 plaining party, made under penalty of
7 perjury in accordance with section
8 1746 of title 28, United States Code,
9 that—

10 “(aa) the information in the
11 notice is accurate; and

12 “(bb) the content or activity
13 described in the notice has been
14 determined by a trial or appellate
15 Federal or State court in an inter
16 partes proceeding to violate Fed-
17 eral criminal or civil law or State
18 defamation law.

19 “(C) LIMITATIONS FOR INTERNET INFRA-
20 STRUCTURE SERVICES.—Subparagraph (A)
21 shall not apply with respect to—

22 “(i) an interactive computer service
23 that is used by another interactive com-
24 puter service for the management, control,
25 or operation of that other interactive com-

1 puter service, including for services such as
2 web hosting, domain registration, content
3 delivery networks, caching, security, back-
4 end data storage, and cloud management;
5 or

6 “(ii) a provider of broadband internet
7 access service, as that term is defined in
8 section 8.1(b) of title 47, Code of Federal
9 Regulations (or any successor regulation).

10 “(D) MONITORING OR AFFIRMATIVE FACT-
11 SEEKING NOT REQUIRED.—Nothing in this
12 paragraph shall be construed to condition the
13 applicability of paragraph (1) to a provider of
14 an interactive computer service on the provider
15 monitoring the interactive computer service or
16 affirmatively seeking facts indicating illegal con-
17 tent or illegal activity in order to identify in-
18 stances of content or activity additional to any
19 instances about which the provider has received
20 notice.

21 “(E) ENFORCEMENT EXEMPTION.—Noth-
22 ing in this paragraph shall be construed to im-
23 pair or limit the application of paragraph (1) or
24 (2) of subsection (e).

1 “(F) NO EFFECT ON OTHER LAWS.—Noth-
2 ing in this paragraph shall impair, limit, ex-
3 pand, or otherwise affect the scope or applica-
4 tion of—

5 “(i) rule 65 of the Federal Rules of
6 Civil Procedure;

7 “(ii) section 1651 of title 28, United
8 States Code (commonly known as the ‘All
9 Writs Act’); or

10 “(iii) any law pertaining to intellectual
11 property, including—

12 “(I) title 17, United States Code;
13 and

14 “(II) the Act entitled “An Act to
15 provide for the registration and pro-
16 tection of trademarks used in com-
17 merce, to carry out the provisions of
18 certain international conventions, and
19 for other purposes”, approved July 5,
20 1946 (commonly known as the
21 “Trademark Act of 1946” or the
22 ‘Lanham Act’) (15 U.S.C. 1051 et
23 seq).”.

1 (b) DEFINITIONS.—Section 230(f) of the Commu-
2 nications Act of 1934 (47 U.S.C. 230(f)) is amended by
3 adding at the end the following:

4 “(5) ILLEGAL ACTIVITY.—The term ‘illegal ac-
5 tivity’ means activity conducted by an information
6 content provider that has been determined by a trial
7 or appellate Federal or State court in an inter
8 partes proceeding to violate Federal criminal or civil
9 law.

10 “(6) ILLEGAL CONTENT.—The term ‘illegal
11 content’ means information provided by an informa-
12 tion content provider that has been determined by a
13 trial or appellate Federal or State court in an inter
14 partes proceeding to violate—

15 “(A) Federal criminal or civil law; or

16 “(B) State defamation law.”.

17 (c) TECHNICAL CORRECTION.—Section 230(c)(2)(B)
18 of the Communications Act of 1934 (47 U.S.C.
19 230(c)(2)(B)) is amended by striking “paragraph (1)”
20 and inserting “subparagraph (A)”.

21 **SEC. 7. FEDERAL AND STATE ENFORCEMENT.**

22 Section 230(e)(1) of the Communications Act of
23 1934 (47 U.S.C. 230(e)) is amended to read as follows:

24 “(1) NO EFFECT ON FEDERAL CRIMINAL OR
25 CIVIL LAW.—Nothing in this section shall be con-

1 strued to limit, impair, or prevent the enforcement
2 or investigation by the Federal Government or a
3 State attorney general of—

4 “(A) any other Federal criminal or civil
5 statute; or

6 “(B) any regulation of an Executive agen-
7 cy (as defined in section 105 of title 5, United
8 States Code) or an establishment in the legisla-
9 tive branch of the Federal Government.”.

10 **SEC. 8. SEVERABILITY.**

11 If any provision of this Act or an amendment made
12 by this Act, or the application of such a provision or
13 amendment to any person or circumstance, is held to be
14 unenforceable or invalid, the remaining provisions of this
15 Act and amendments made by this Act, and the applica-
16 tion of the provision or amendment so held to other per-
17 sons not similarly situated or to other circumstances, shall
18 not be affected thereby.

19 **SEC. 9. EFFECTIVE DATE.**

20 This Act and the amendments made by this Act shall
21 take effect on the date that is 18 months after the date
22 of enactment of this Act.