

117TH CONGRESS  
1ST SESSION

# S. 1384

To repeal section 230 of the Communications Act of 1934 and ensure reasonable, non-discriminatory access to online communications platforms.

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IN THE SENATE OF THE UNITED STATES

APRIL 27, 2021

Mr. HAGERTY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To repeal section 230 of the Communications Act of 1934 and ensure reasonable, non-discriminatory access to online communications platforms.

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 “21st Century Founda-  
5 tion for the Right to Express and Engage in Speech Act”  
6 or the “21st Century FREE Speech Act”.

1 **SEC. 2. REASONABLE, NON-DISCRIMINATORY ACCESS TO**  
 2 **ONLINE COMMUNICATIONS PLATFORMS;**  
 3 **BLOCKING AND SCREENING OF OFFENSIVE**  
 4 **MATERIAL.**

5 (a) IN GENERAL.—Part I of title II of the Commu-  
 6 nications Act of 1934 (47 U.S.C. 201 et seq.) is amend-  
 7 ed—

8 (1) by striking section 230; and

9 (2) by adding at the end the following:

10 **“SEC. 232. REASONABLE, NON-DISCRIMINATORY ACCESS TO**  
 11 **ONLINE COMMUNICATIONS PLATFORMS;**  
 12 **BLOCKING AND SCREENING OF OFFENSIVE**  
 13 **MATERIAL.**

14 “(a) FINDINGS.—Congress finds the following:

15 “(1) The rapidly developing array of internet  
 16 and other interactive computer services available to  
 17 individual Americans represent an extraordinary ad-  
 18 vance in the availability of educational and informa-  
 19 tional resources to our citizens.

20 “(2) These services often offer users a great de-  
 21 gree of control over the information that they re-  
 22 ceive, as well as the potential for even greater con-  
 23 trol in the future as technology continues to develop.

24 “(3) The internet and other interactive com-  
 25 puter services offer a forum for a true diversity of  
 26 political discourse and viewpoints, unique opportuni-

1 ties for cultural development, and myriad avenues  
2 for intellectual activity, and regulation of the inter-  
3 net must be tailored to supporting those activities.

4 “(4) The internet and other interactive com-  
5 puter services have flourished, to the benefit of all  
6 Americans, with a minimum of government regula-  
7 tion, and regulation should be limited to what is nec-  
8 essary to preserve the societal benefits provided by  
9 the internet.

10 “(5) Increasingly Americans rely on internet  
11 platforms and websites for a variety of political, edu-  
12 cational, cultural, and entertainment services and for  
13 communication with one another.

14 “(b) POLICY.—It is the policy of the United States—

15 “(1) to promote the continued development of  
16 the internet and other interactive computer services  
17 and other interactive media;

18 “(2) to preserve a vibrant and competitive free  
19 market for the internet and other interactive com-  
20 puter services;

21 “(3) to encourage the development of tech-  
22 nologies which maximize user control over what in-  
23 formation is received by individuals, families, and  
24 schools who use the internet and other interactive

1 computer services, rather than control and censor-  
2 ship driven by interactive computer services;

3 “(4) to facilitate the development and utiliza-  
4 tion of blocking and filtering technologies that em-  
5 power parents to restrict their children’s access to  
6 objectionable or inappropriate online material;

7 “(5)(A) to ensure that the internet serves as an  
8 open forum for—

9 “(i) a true diversity of discourse and view-  
10 points, including political discourse and view-  
11 points;

12 “(ii) unique opportunities for cultural de-  
13 velopment; and

14 “(iii) myriad avenues for intellectual activ-  
15 ity; and

16 “(B) given that the internet is the dominant  
17 platform for communication and public debate today,  
18 to ensure that major internet communications plat-  
19 forms, which function as common carriers in terms  
20 of their size, usage, and necessity, are available to  
21 all users on reasonable and non-discriminatory terms  
22 free from public or private censorship of religious  
23 and political speech;

1           “(6) to promote consumer protection and trans-  
2           parency regarding information and content manage-  
3           ment practices by major internet platforms to—

4                   “(A) ensure that consumers understand—

5                           “(i) the products they are using; and

6                           “(ii) what information is being pre-  
7                   sented to them and why; and

8                   “(B) prevent deceptive or undetectable ac-  
9                   tions that filter the information presented to  
10                  consumers; and

11           “(7) to ensure vigorous enforcement of Federal  
12           criminal laws to deter and punish trafficking in on-  
13           line obscenity, stalking, and harassment.

14           “(c) REASONABLE AND NONDISCRIMINATORY AC-  
15           CESS TO COMMON CARRIER TECHNOLOGY COMPANIES.—

16                   “(1) IN GENERAL.—A common carrier tech-  
17           nology company, with respect to the interactive com-  
18           puter service provided by the company—

19                           “(A) shall furnish the interactive computer  
20                   service to all persons upon reasonable request;

21                           “(B) may not unjustly or unreasonably dis-  
22                   criminate in charges, practices, classifications,  
23                   regulations, facilities, treatment, or services for  
24                   or in connection with the furnishing of the

1 interactive computer service, directly or indi-  
2 rectly, by any means or device;

3 “(C) may not make or give any undue or  
4 unreasonable preference or advantage to any  
5 particular person, class of persons, political or  
6 religious group or affiliation, or locality; and

7 “(D) may not subject any particular per-  
8 son, class of persons, political or religious group  
9 or affiliation, or locality to any undue or unrea-  
10 sonable prejudice or disadvantage.

11 “(2) APPLICABILITY TO BROADBAND.—Para-  
12 graph (1) shall not apply with respect to the provi-  
13 sion of broadband internet access service.

14 “(d) CONSUMER PROTECTION AND TRANSPARENCY  
15 REGARDING COMMON CARRIER TECHNOLOGY COMPA-  
16 NIES.—

17 “(1) IN GENERAL.—A common carrier tech-  
18 nology company shall disclose, through a publicly  
19 available, easily accessible website, accurate material  
20 regarding the content management, moderation, pro-  
21 motion, account termination and suspension, and  
22 curation mechanisms and practices of the company  
23 sufficient to enable—

1           “(A) consumers to make informed choices  
2           regarding use of the interactive computer serv-  
3           ice provided by the company; and

4           “(B) persons to develop, market, and  
5           maintain consumer-driven content management  
6           mechanisms with respect to the interactive com-  
7           puter service provided by the company.

8           “(2) BEST PRACTICES.—The Commission, after  
9           soliciting comments from the public, shall publish  
10          best practices for common carrier technology compa-  
11          nies to disclose content management, moderation,  
12          promotion, account termination and suspension, and  
13          curation mechanisms and practices in accordance  
14          with paragraph (1).

15          “(3) APPLICABILITY TO BROADBAND.—Para-  
16          graph (1) shall not apply with respect to the provi-  
17          sion of broadband internet access service.

18          “(e) PROTECTION FOR ‘GOOD SAMARITAN’ BLOCK-  
19          ING AND SCREENING OF OFFENSIVE MATERIAL.—

20          “(1) TREATMENT OF PUBLISHER OR SPEAK-  
21          ER.—

22          “(A) IN GENERAL.—No provider or user of  
23          an interactive computer service shall be treated  
24          as the publisher or speaker of any material pro-  
25          vided by another information content provider.

1           “(B) EXCEPTION.—Subparagraph (A)  
2 shall not apply to any affirmative act by a pro-  
3 vider or user of an interactive computer service  
4 with respect to material posted on the inter-  
5 active computer service, whether the act is car-  
6 ried out manually or through use of an algo-  
7 rithm or other automated or semi-automated  
8 process, including—

9                   “(i) providing its own material;

10                   “(ii) commenting or editorializing on,  
11 promoting, recommending, or increasing or  
12 decreasing the dissemination or visibility to  
13 users of its own material or material pro-  
14 vided by another information content pro-  
15 vider;

16                   “(iii) restricting access to or avail-  
17 ability of material provided by another in-  
18 formation content provider; or

19                   “(iv) barring or limiting any informa-  
20 tion content provider from using the inter-  
21 active computer service.

22           “(2) CIVIL LIABILITY.—

23                   “(A) IN GENERAL.—No provider or user of  
24 an interactive computer service shall be held lia-



1           ble, under subsection (c) or otherwise, on ac-  
2           count of—

3                   “(i) any action voluntarily taken in  
4                   good faith to restrict access to or avail-  
5                   ability of material that the provider or user  
6                   considers to be obscene, lewd, lascivious,  
7                   filthy, excessively violent, harassing, pro-  
8                   moting self-harm, or unlawful, whether or  
9                   not such material is constitutionally pro-  
10                  tected; or

11                   “(ii) any action taken to enable or  
12                   make available to information content pro-  
13                   viders or others the technical means to re-  
14                   strict access to material described in clause  
15                   (i).

16                  “(B) DEFINITIONS.—For purposes of sub-  
17                  paragraph (A)—

18                   “(i) the term ‘excessively violent’, with  
19                   respect to material, means material that—

20                           “(I) is likely to be deemed violent  
21                           and for mature audiences according to  
22                           the V-chip regulations and TV Paren-  
23                           tal Guidelines of the Commission pro-  
24                           mulgated under sections 303(x) and  
25                           330(c)(4); or

1 “(II) constitutes or intends to  
2 advocate domestic terrorism or inter-  
3 national terrorism, as defined in sec-  
4 tion 2331 of title 18, United States  
5 Code;

6 “(ii) the term ‘harassing’ means mate-  
7 rial that—

8 “(I) is—

9 “(aa) provided by an infor-  
10 mation content provider with the  
11 intent to abuse, threaten, or har-  
12 ass any specific person; and

13 “(bb) lacking in any serious  
14 literary, artistic, political, or sci-  
15 entific value;

16 “(II) violates the CAN-SPAM  
17 Act of 2003 (15 U.S.C. 7701 et seq.);  
18 or

19 “(III) is malicious computer code  
20 intended (whether or not by the im-  
21 mediate disseminator) to damage or  
22 interfere with the operation of a com-  
23 puter;

24 “(iii) the term ‘in good faith’, with re-  
25 spect to restricting access to or availability

1 of specific material, means the provider or  
2 user—

3 “(I) restricts access to or avail-  
4 ability of material consistent with  
5 publicly available online terms of serv-  
6 ice or use that—

7 “(aa) state plainly and with  
8 particularity the criteria that the  
9 provider or user of the interactive  
10 computer service employs in its  
11 content moderation practices, in-  
12 cluding by any partially or fully  
13 automated processes; and

14 “(bb) are in effect on the  
15 date on which the material is  
16 first posted;

17 “(II) has an objectively reason-  
18 able belief that the material falls with-  
19 in one of the categories listed in sub-  
20 paragraph (A)(i);

21 “(III)(aa) does not restrict access  
22 to or availability of material on decep-  
23 tive or pretextual grounds; and

24 “(bb) does not apply its terms of  
25 service or use to restrict access to or

1 availability of material that is simi-  
2 larly situated to material that the pro-  
3 vider or user of the interactive com-  
4 puter service intentionally declines to  
5 restrict; and

6 “(IV) supplies the information  
7 content provider of the material with  
8 timely notice describing with particu-  
9 larity the reasonable factual basis for  
10 the restriction of access and a mean-  
11 ingful opportunity to respond, unless  
12 the provider or user of the interactive  
13 computer service has an objectively  
14 reasonable belief that—

15 “(aa) the material is related  
16 to terrorism or criminal activity;  
17 or

18 “(bb) such notice would risk  
19 imminent physical harm to oth-  
20 ers; and

21 “(iv) the terms ‘obscene’, ‘lewd’, ‘las-  
22 civious’, and ‘filthy’, with respect to mate-  
23 rial, mean material that—

24 “(I) taken as a whole—

1                   “(aa) appeals to the prurient  
2                   interest in sex or portrays sexual  
3                   conduct in a patently offensive  
4                   way; and

5                   “(bb) does not have serious  
6                   literary, artistic, political, or sci-  
7                   entific value;

8                   “(II) depicts or describes sexual  
9                   or excretory organs or activities in  
10                  terms patently offensive to the aver-  
11                  age person, applying contemporary  
12                  community standards; or

13                  “(III) signifies the form of immo-  
14                  rality which has relation to sexual im-  
15                  purity, taking into account the stand-  
16                  ards at common law in prosecutions  
17                  for obscene libel.

18                  “(C) BEST PRACTICES.—The Commission,  
19                  after soliciting comments from the public, shall  
20                  publish best practices for making publicly avail-  
21                  able online terms of service or use that state  
22                  plainly and with particularity the criteria that  
23                  the provider or user of an interactive computer  
24                  service employs in its content moderation prac-  
25                  tices, including by any partially or fully auto-

1 mated processes, in accordance with subpara-  
2 graph (B)(iii)(I).

3 “(f) VIOLATIONS.—

4 “(1) PRIVATE RIGHT OF ACTION.—

5 “(A) IN GENERAL.—A person aggrieved by  
6 a violation of subsection (c) or (d) may bring a  
7 civil action against the provider or user of an  
8 interactive computer service that committed the  
9 violation for any relief permitted under sub-  
10 paragraph (B) of this paragraph.

11 “(B) RELIEF.—

12 “(i) IN GENERAL.—The plaintiff may  
13 seek the following relief in a civil action  
14 brought under subparagraph (A):

15 “(I) An injunction.

16 “(II) An award that is the great-  
17 er of—

18 “(aa) actual damages; or

19 “(bb) damages in the  
20 amount of \$500 for each viola-  
21 tion.

22 “(ii) WILLFUL OR KNOWING VIOLA-  
23 TIONS.—In a civil action brought under  
24 subparagraph (A), if the court finds that  
25 the defendant willfully or knowingly vio-

1           lated subsection (c) or (d), the court may,  
2           in its discretion, increase the amount of  
3           the award to not more than 3 times the  
4           amount available under clause (i)(II) of  
5           this subparagraph.

6           “(2) ACTIONS BY STATES.—

7           “(A) AUTHORITY OF STATES.—

8           “(i) IN GENERAL.—Whenever the at-  
9           torney general of a State, or an official or  
10          agency designated by a State, has reason  
11          to believe that any person has engaged or  
12          is engaging in a pattern or practice of vio-  
13          lating subsection (c) or (d) that has threat-  
14          ened or adversely affected or is threatening  
15          or adversely affecting an interest of the  
16          residents of that State, the State may  
17          bring a civil action against the person on  
18          behalf of the residents of the State for any  
19          relief permitted under clause (ii) of this  
20          subparagraph.

21          “(ii) RELIEF.—

22                 “(I) IN GENERAL.—The plaintiff  
23                 may seek the following relief in a civil  
24                 action brought under clause (i):

25                         “(aa) An injunction.

1                   “(bb) An award that is the  
2 greater of—

3                   “(AA) actual damages;

4                   or

5                   “(BB) damages in the  
6 amount of \$500 for each  
7 violation.

8                   “(II) WILLFUL OR KNOWING VIO-  
9 LATIONS.—In a civil action brought  
10 under clause (i), if the court finds  
11 that the defendant willfully or know-  
12 ingly violated subsection (c) or (d),  
13 the court may, in its discretion, in-  
14 crease the amount of the award to not  
15 more than 3 times the amount avail-  
16 able under subclause (I)(bb) of this  
17 clause.

18                   “(B) INVESTIGATORY POWERS.—For pur-  
19 poses of bringing a civil action under this para-  
20 graph, nothing in this section shall prevent the  
21 attorney general of a State, or an official or  
22 agency designated by a State, from exercising  
23 the powers conferred on the attorney general or  
24 the official by the laws of the State to—

25                   “(i) conduct investigations;



1                   “(ii) administer oaths or affirmations;

2                   or

3                   “(iii) compel the attendance of wit-  
4                   nesses or the production of documentary  
5                   and other evidence.

6                   “(C) EFFECT ON STATE COURT PRO-  
7                   CEEDINGS.—Nothing in this paragraph shall be  
8                   construed to prohibit an authorized State offi-  
9                   cial from proceeding in State court on the basis  
10                  of an alleged violation of any general civil or  
11                  criminal statute of the State.

12                  “(D) ATTORNEY GENERAL DEFINED.—For  
13                  purposes of this paragraph, the term ‘attorney  
14                  general’ means the chief legal officer of a State.

15                  “(3) VENUE; SERVICE OF PROCESS.—

16                  “(A) VENUE.—A civil action brought  
17                  under this subsection may be brought in the lo-  
18                  cation where—

19                         “(i) the defendant—

20                                 “(I) is found;

21                                 “(II) is an inhabitant; or

22                                 “(III) transacts business; or

23                         “(ii) the violation occurred or is oc-  
24                         curring.

1           “(B) SERVICE OF PROCESS.—Process in a  
2           civil action brought under this subsection may  
3           be served where the defendant—

4                     “(i) is an inhabitant; or

5                     “(ii) may be found.

6           “(g) OBLIGATIONS OF INTERACTIVE COMPUTER  
7 SERVICE.—A provider of an interactive computer service  
8 shall, at the time of entering an agreement with a cus-  
9 tomer for the provision of interactive computer service and  
10 in a manner deemed appropriate by the provider, notify  
11 the customer that parental control protections (such as  
12 computer hardware, software, or filtering services) are  
13 commercially available that may assist the customer in  
14 limiting access to material that is harmful to minors. The  
15 notice shall identify, or provide the customer with access  
16 to material identifying, current providers of such protec-  
17 tions.

18           “(h) EFFECT ON OTHER LAWS.—

19                     “(1) NO EFFECT ON CRIMINAL LAW.—Nothing  
20           in this section shall be construed to impair the en-  
21           forcement of section 223 or 231 of this Act, chapter  
22           71 (relating to obscenity) or 110 (relating to sexual  
23           exploitation of children) of title 18, United States  
24           Code, or any other Federal criminal statute.

1           “(2) NO EFFECT ON INTELLECTUAL PROPERTY  
2           LAW.—Nothing in this section shall be construed to  
3           limit or expand any law pertaining to intellectual  
4           property.

5           “(3) STATE LAW.—Nothing in this section shall  
6           be construed to prevent any State from enforcing  
7           any State law that is consistent with this section. No  
8           cause of action may be brought and no liability may  
9           be imposed under any State or local law that is in-  
10          consistent with this section.

11          “(4) NO EFFECT ON COMMUNICATIONS PRIVACY  
12          LAW.—Nothing in this section shall be construed to  
13          limit the application of the Electronic Communica-  
14          tions Privacy Act of 1986 or any of the amendments  
15          made by such Act, or any similar State law.

16          “(5) NO EFFECT ON SEX TRAFFICKING LAW.—  
17          Nothing in this section (other than subsection  
18          (e)(2)(A)(i)) shall be construed to impair or limit—

19                  “(A) any claim in a civil action brought  
20                  under section 1595 of title 18, United States  
21                  Code, if the conduct underlying the claim con-  
22                  stitutes a violation of section 1591 of that title;

23                  “(B) any charge in a criminal prosecution  
24                  brought under State law if the conduct under-

1           lying the charge would constitute a violation of  
2           section 1591 of title 18, United States Code; or

3           “(C) any charge in a criminal prosecution  
4           brought under State law if the conduct under-  
5           lying the charge would constitute a violation of  
6           section 2421A of title 18, United States Code,  
7           and promotion or facilitation of prostitution is  
8           illegal in the jurisdiction where the defendant’s  
9           promotion or facilitation of prostitution was  
10          targeted.

11         “(i) DEFINITIONS.—As used in this section:

12           “(1) ACCESS SOFTWARE PROVIDER.—The term  
13           ‘access software provider’ means a provider of soft-  
14           ware (including client or server software), or ena-  
15           bling tools that do any one or more of the following:

16           “(A) Filter, screen, allow, or disallow ma-  
17           terial.

18           “(B) Pick, choose, analyze, or digest mate-  
19           rial.

20           “(C) Transmit, receive, display, forward,  
21           cache, search, subset, organize, reorganize, or  
22           translate material.

23           “(2) BROADBAND INTERNET ACCESS SERV-  
24           ICE.—The term ‘broadband internet access service’  
25           has the meaning given the term in section 8.1(b) of

1 title 47, Code of Federal Regulations, or any suc-  
2 cessor regulation.

3 “(3) COMMON CARRIER TECHNOLOGY COM-  
4 PANY.—The term ‘common carrier technology com-  
5 pany’ means a provider of an interactive computer  
6 service that—

7 “(A) offers its services to the public; and

8 “(B) has more than 100,000,000 world-  
9 wide active monthly users.

10 “(4) INFORMATION CONTENT PROVIDER.—

11 “(A) IN GENERAL.—The term ‘information  
12 content provider’ means any person or entity  
13 that is responsible, in whole or in part, for the  
14 creation or development of material provided  
15 through the internet or any other interactive  
16 computer service.

17 “(B) RESPONSIBILITY DEFINED.—For  
18 purposes of subparagraph (A), the term ‘re-  
19 sponsible, in whole or in part, for the creation  
20 or development of material’ includes affirma-  
21 tively and substantively contributing to, modi-  
22 fying, altering, presenting with a reasonably  
23 discernible viewpoint, commenting upon, or edi-  
24 torializing about material provided by another  
25 person or entity.

1           “(5) INTERACTIVE COMPUTER SERVICE.—The  
2 term ‘interactive computer service’ means any infor-  
3 mation service, system, or access software provider  
4 that provides or enables computer access by multiple  
5 users to a computer server, including specifically a  
6 service or system that provides access to the internet  
7 and such systems operated or services offered by li-  
8 braries or educational institutions.

9           “(6) INTERNET.—The term ‘internet’ means  
10 the international computer network of both Federal  
11 and non-Federal interoperable packet switched data  
12 networks.

13           “(7) MATERIAL.—The term ‘material’ means  
14 any data, regardless of physical form or char-  
15 acteristic, including—

16                   “(A) written or printed matter, informa-  
17 tion, automated information systems storage  
18 media, maps, charts, paintings, drawings, films,  
19 photographs, images, videos, engravings,  
20 sketches, working notes, or papers, or reproduc-  
21 tions of any such things by any means or proc-  
22 ess; and

23                   “(B) sound, voice, magnetic, or electronic  
24 recordings.”.

25           (b) CONFORMING AMENDMENTS.—

1           (1) COMMUNICATIONS ACT OF 1934.—The Com-  
2           munications Act of 1934 (47 U.S.C. 151 et seq.) is  
3           amended—

4                   (A) in section 223(h)(2) (47 U.S.C.  
5                   223(h)(2)), by striking “section 230(f)(2)” and  
6                   inserting “section 232”; and

7                   (B) in section 231(b)(4) (47 U.S.C.  
8                   231(b)(4)), by striking “section 230” and in-  
9                   serting “section 232”.

10          (2) TRADEMARK ACT OF 1946.—Section 45 of  
11          the Act entitled “An Act to provide for the registra-  
12          tion and protection of trademarks used in commerce,  
13          to carry out the provisions of certain international  
14          conventions, and for other purposes”, approved July  
15          5, 1946 (commonly known as the “Trademark Act  
16          of 1946”) (15 U.S.C. 1127) is amended by striking  
17          the definition relating to the term “Internet” and in-  
18          serting the following:

19          “The term ‘internet’ has the meaning given that term  
20          in section 232 of the Communications Act of 1934.”.

21          (3) TITLE 17, UNITED STATES CODE.—Section  
22          1401(g) of title 17, United States Code, is amend-  
23          ed—

24                   (A) by striking “section 230 of the Com-  
25                   munications Act of 1934 (47 U.S.C. 230)” and

1 inserting “section 232 of the Communications  
2 Act of 1934”; and

3 (B) by striking “subsection (e)(2) of such  
4 section 230” and inserting “subsection (h)(2) of  
5 such section 232”.

6 (4) TITLE 18, UNITED STATES CODE.—Part I of  
7 title 18, United States Code, is amended—

8 (A) in section 2257(h)(2)(B)(v), by strik-  
9 ing “section 230(c) of the Communications Act  
10 of 1934 (47 U.S.C. 230(c))” and inserting  
11 “section 232(e) of the Communications Act of  
12 1934”; and

13 (B) in section 2421A—

14 (i) in subsection (a), by striking “(as  
15 such term is defined in defined in section  
16 230(f) the Communications Act of 1934  
17 (47 U.S.C. 230(f))” and inserting “(as  
18 that term is defined in section 232 of the  
19 Communications Act of 1934)”; and

20 (ii) in subsection (b), by striking “(as  
21 such term is defined in defined in section  
22 230(f) the Communications Act of 1934  
23 (47 U.S.C. 230(f))” and inserting “(as  
24 that term is defined in section 232 of the  
25 Communications Act of 1934)”.



1           (5) CONTROLLED SUBSTANCES ACT.—Section  
2           401(h)(3)(A)(iii)(II) of the Controlled Substances  
3           Act (21 U.S.C. 841(h)(3)(A)(iii)(II)) is amended by  
4           striking “section 230(c) of the Communications Act  
5           of 1934” and inserting “section 232(e) of the Com-  
6           munications Act of 1934”.

7           (6) WEBB-KENYON ACT.—Section 3(b)(1) of  
8           the Act entitled “An Act divesting intoxicating liq-  
9           uors of their interstate character in certain cases”,  
10          approved March 1, 1913 (commonly known as the  
11          “Webb-Kenyon Act”) (27 U.S.C. 122b(b)(1)) is  
12          amended by striking “(as defined in section 230(f)  
13          of the Communications Act of 1934 (47 U.S.C.  
14          230(f))” and inserting “(as defined in section 232 of  
15          the Communications Act of 1934)”.

16          (7) TITLE 28, UNITED STATES CODE.—Section  
17          4102 of title 28, United States Code, is amended—

18                 (A) in subsection (c)—

19                         (i) by striking “section 230 of the  
20                         Communications Act of 1934 (47 U.S.C.  
21                         230)” and inserting “section 232 of the  
22                         Communications Act of 1934”; and

23                         (ii) by striking “section 230 if” and  
24                         inserting “that section if”; and

1 (B) in subsection (e)(2), by striking “sec-  
2 tion 230 of the Communications Act of 1934  
3 (47 U.S.C. 230)” and inserting “section 232 of  
4 the Communications Act of 1934”.

5 (8) TITLE 31, UNITED STATES CODE.—Section  
6 5362(6) of title 31, United States Code, is amended  
7 by striking “section 230(f) of the Communications  
8 Act of 1934 (47 U.S.C. 230(f))” and inserting “sec-  
9 tion 232 of the Communications Act of 1934”.

10 (9) NATIONAL TELECOMMUNICATIONS AND IN-  
11 FORMATION ADMINISTRATION ORGANIZATION ACT.—  
12 Section 157(e)(1) of the National Telecommuni-  
13 cations and Information Administration Organiza-  
14 tion Act (47 U.S.C. 941(e)(1)) is amended, in the  
15 matter preceding subparagraph (A), by striking  
16 “section 230(c) of the Communications Act of 1934  
17 (47 U.S.C. 230(c))” and inserting “section 232(e) of  
18 the Communications Act of 1934”.

19 (c) APPLICABILITY.—Subsections (c) and (d) of sec-  
20 tion 232 of the Communications Act of 1934, as added  
21 by subsection (a), shall apply to a common carrier tech-  
22 nology company on and after the date that is 90 days after  
23 the date of enactment of this Act.

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