

118TH CONGRESS  
1ST SESSION

# H. R. 2635

To amend section 230 of the Communications Act of 1934 to limit liability protection provided by such section for providers of social media service, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2023

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

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## A BILL

To amend section 230 of the Communications Act of 1934 to limit liability protection provided by such section for providers of social media service, 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 “The Big-Tech Account-  
5 ability Act of 2023”.

6 **SEC. 2. LIMITATION ON LIABILITY FOR PROVIDERS OF SO-**  
7 **CIAL MEDIA SERVICE.**

8 Section 230 of the Communications Act of 1934 (47  
9 U.S.C. 230) is amended—

1           (1) by redesignating subsection (f) as sub-  
2           section (g); and

3           (2) by inserting after subsection (e) the fol-  
4           lowing:

5           “(f) PROVIDERS OF SOCIAL MEDIA SERVICE.—

6           “(1) IN GENERAL.—Paragraphs (1) and (2) of  
7           subsection (e) shall not apply to a provider of a so-  
8           cial media service that is a company with respect to  
9           any information provided through the service by an-  
10          other information content provider after the date of  
11          the enactment of this subsection.

12          “(2) PROHIBITION.—

13          “(A) IN GENERAL.—It shall be unlawful  
14          for a provider of social media service that is a  
15          company to de-platform a citizen of the United  
16          States after the date this 90 days after the en-  
17          actment of this subsection on the basis of the  
18          social, political, or religious status of such cit-  
19          izen even if the citizen through the social media  
20          service of the provider clearly violates a policy  
21          of the company relating to—

22                  “(i) hate speech;

23                  “(ii) sexual harassment;

24                  “(iii) discrimination on the basis of  
25                  sex, religion, or sexual orientation; or

1           “(iv) making violent threats, violent  
2           speech, or violent declarations.

3           “(B) CIVIL PENALTY.—A provider that  
4           violates subparagraph (A) with respect to a cit-  
5           izen of the United States shall be liable for a  
6           civil penalty in an amount of \$5,000 for each  
7           day that the provider de-platforms the citizen.

8           “(3) DEFINITIONS.—In this subsection:

9           “(A) DE-PLATFORM A CITIZEN OF THE  
10          UNITED STATES.—The term ‘de-platform a cit-  
11          izen of the United States’ means, with respect  
12          to an account of the citizen, an action taken  
13          to—

14               “(i) decrease engagement with the ac-  
15               count by users of the service;

16               “(ii) permanently suspend the ac-  
17               count; or

18               “(iii) restricting the ability of a citizen  
19               to provide content through the account.

20          “(B) SOCIAL MEDIA SERVICE.—The term  
21          ‘social media service’—

22               “(i) means an interactive computer  
23               service that—

24                       “(I) allows for or hosts virtual  
25                       facilitation of material, content, or in-

1                   formation over the service for the pur-  
2                   pose of facilitating public or wide-  
3                   spread interaction with such material,  
4                   content, or information;

5                   “(II) is meant for public dis-  
6                   course that focuses on communication  
7                   and expression of ideas or opinions; or

8                   “(III) hosts publicly accessible  
9                   information or content, public or  
10                  widespread interaction, and content  
11                  distribution through the service; and

12                  “(ii) includes interactive computer  
13                  service provided by—

14                         “(I) Meta;

15                         “(II) Facebook;

16                         “(III) Twitter;

17                         “(IV) Instagram; and

18                         “(V) Tik Tok.”.

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