

116TH CONGRESS
2D SESSION

S. 5020

To repeal section 230 of the Communications Act of 1934.

IN THE SENATE OF THE UNITED STATES

DECEMBER 15, 2020

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

A BILL

To repeal section 230 of the Communications Act of 1934.

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. REPEAL OF SECTION 230.**

4 (a) IN GENERAL.—Section 230 of the Communica-
5 tions Act of 1934 (47 U.S.C. 230) is repealed.

6 (b) CONFORMING AMENDMENTS.—

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

10 (A) in section 223(h) (47 U.S.C. 223(h)),
11 by striking paragraph (2) and inserting the fol-
12 lowing:

1 “(2) The term ‘interactive computer service’
2 means any information service, system, or access
3 software provider that provides or enables computer
4 access by multiple users to a computer server, in-
5 cluding specifically a service or system that provides
6 access to the Internet and such systems operated or
7 services offered by libraries or educational institu-
8 tions.”; and

9 (B) in section 231(b)(4) (47 U.S.C.
10 231(b)(4)), by striking “or section 230”.

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

20 “The term ‘Internet’ means the international com-
21 puter network of both Federal and non-Federal interoper-
22 able packet switched data networks.”.

23 (3) TITLE 17, UNITED STATES CODE.—Section
24 1401 of title 17, United States Code, is amended by
25 striking subsection (g).

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

3 (A) in section 2257(h)(2)(B)(v), by strik-
4 ing “, except that deletion of a particular com-
5 munication or material made by another person
6 in a manner consistent with section 230(c) of
7 the Communications Act of 1934 (47 U.S.C.
8 230(c)) shall not constitute such selection or al-
9 teration of the content of the communication”;
10 and

11 (B) in section 2421A—

12 (i) in subsection (a), by striking “(as
13 such term is defined in defined in section
14 230(f) the Communications Act of 1934
15 (47 U.S.C. 230(f))” and inserting “(as
16 that term is defined in section 223 of the
17 Communications Act of 1934 (47 U.S.C.
18 223))”; and

19 (ii) in subsection (b), by striking “(as
20 such term is defined in defined in section
21 230(f) the Communications Act of 1934
22 (47 U.S.C. 230(f))” and inserting “(as
23 that term is defined in section 223 of the
24 Communications Act of 1934 (47 U.S.C.
25 223))”.

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 “, except that deletion of a particular com-
5 munication or material made by another person in
6 a manner consistent with section 230(c) of the Com-
7 munications Act of 1934 shall not constitute such
8 selection or alteration of the content of the commu-
9 nication”.

10 (6) WEBB-KENYON ACT.—Section 3(b)(1) of
11 the Act entitled “An Act divesting intoxicating liq-
12 uors of their interstate character in certain cases”,
13 approved March 1, 1913 (commonly known as the
14 “Webb-Kenyon Act”) (27 U.S.C. 122b(b)(1)) is
15 amended by striking “(as defined in section 230(f)
16 of the Communications Act of 1934 (47 U.S.C.
17 230(f))” and inserting “(as defined in section 223 of
18 the Communications Act of 1934 (47 U.S.C. 223))”.

19 (7) TITLE 28, UNITED STATES CODE.—Section
20 4102 of title 28, United States Code, is amended—

21 (A) by striking subsection (e); and

22 (B) in subsection (e)—

23 (i) by striking “construed to” and all
24 that follows through “affect” and inserting
25 “construed to affect”; and

1 (ii) by striking “defamation; or” and
2 all that follows and inserting “defama-
3 tion.”.

4 (8) TITLE 31, UNITED STATES CODE.—Section
5 5362(6) of title 31, United States Code, is amended
6 by striking “section 230(f) of the Communications
7 Act of 1934 (47 U.S.C. 230(f))” and inserting “sec-
8 tion 223 of the Communications Act of 1934 (47
9 U.S.C. 223)”.

10 (9) NATIONAL TELECOMMUNICATIONS AND IN-
11 FORMATION ADMINISTRATION ORGANIZATION ACT.—
12 Section 157 of the National Telecommunications
13 and Information Administration Organization Act
14 (47 U.S.C. 941) is amended—

15 (A) by striking subsection (e); and

16 (B) by redesignating subsections (f)
17 through (j) as subsections (e) through (i), re-
18 spectively.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on January 1, 2023.

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