To amend the Communications Act of 1934 to protect constitutional rights from online platform censorship, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

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

A BILL

To amend the Communications Act of 1934 to protect constitutional rights from online platform censorship, 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 Constitutional Rights from Online Platform Censorship Act”.

SEC. 2. PROTECTION OF CONSTITUTIONAL RIGHTS.

(a) In General.—Section 230(c) of the Communications Act of 1934 (47 U.S.C. 230) is amended—

(1) in the heading, by striking “PROTECTION FOR ‘GOOD SAMARITAN’ BLOCKING AND SCREENING
of Offensive Material” and inserting “Blocking and Screening of Lawful and Constitutional Material”; and

(2) by amending paragraph (2) to read as follows:

“(2) Prohibition.—

“(A) In general.—It shall be unlawful for any internet platform to take an action to restrict access to or the availability of protected material of a user of such platform.

“(B) Private right of action.—If an internet platform takes an action to restrict access to or the availability of protected material of a user of such platform, such user may bring an action in an appropriate State court or an appropriate district court of the United States against such platform to obtain the relief described under subparagraph (C).

“(C) Relief.—A user that prevails in a civil action under subparagraph (B) may obtain monetary relief of not less than $10,000 but not more than $50,000 per action described under subparagraph (A).

“(D) Protected material defined.— In this paragraph, the term ‘protected material’
means material that is protected under the Constitution or otherwise protected under Federal, State, or local law.”.

(b) EFFECTIVE DATE.—This Act, and the amendments made by this Act, shall take effect 30 days after the date of the enactment of this Act.