



What Does Section 230 Actually Say?

A. The Congress finds the following:

1. The rapidly developing array of Internet and other interactive computer services available to individual Americans represent an extraordinary advance in the availability of educational and informational resources to our citizens.
2. These services offer users a great degree of control over the information that they receive, as well as the potential for even greater control in the future as technology develops.
3. The Internet and other interactive computer services offer a forum for a true diversity of political discourse, unique opportunities for cultural development, and myriad avenues for intellectual activity.
4. The Internet and other interactive computer services have flourished, to the benefit of all Americans, with a minimum of government regulation.
5. Increasingly Americans are relying on interactive media for a variety of political, educational, cultural, and entertainment services.

B. Policy

It is the policy of the United States—

1. to promote the continued development of the Internet and other interactive computer services and other interactive media;
2. to preserve the vibrant and competitive free market that presently exists for the Internet and other interactive computer services, unfettered by Federal or State regulation;

A. Congress said:

1. The internet is a very useful resource to everyday Americans to access information.
2. These internet services give users greater control over what they want to do online.
3. The internet enables all sorts of conversations to occur and communities to thrive.
4. The internet has thrived because the government has lightly regulated it.
5. Americans are using the internet more and more.



B. America's policy is—

1. to promote the continued growth of the internet and digital services that rely on it;
2. to promote free enterprise online;



3. to encourage the development of technologies which maximize user control over what information is received by individuals, families, and schools who use the Internet and other interactive computer services;
4. to remove disincentives for the development and utilization of blocking and filtering technologies that empower parents to restrict their children's access to objectionable or inappropriate online material; and
5. to ensure vigorous enforcement of Federal criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer.



C. Protection for “Good Samaritan” blocking and screening of offensive material

1. **Treatment of publisher or speaker**
No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.
2. **Civil liability**
No provider or user of an interactive computer service shall be held liable on account of—
 - a. any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; provider or user of an interactive computer service shall be held liable on account of—
 - b. any action taken to enable or make available to information content providers or others the technical means to restrict access to material described in paragraph (1).

3. to encourage user-focused development of user-friendly controls, like parental controls;
4. to encourage websites to make the internet family-friendly; and
5. to prevent bad actors from using the internet for illegal purposes.

C. Protect good samaritans who try to clean up the internet

1. Websites and digital platforms are not legally liable for what their users create and post. Instead, the user who created the post is held legally responsible.
2. Websites will not be held legally liable for:
 - a. Removing content that they believe is too bad, gross, awful, or evil for a user-friendly experience;
 - b. or any actions that allow websites to moderate user-generated content that they think is bad, gross, awful, or evil.

D. Obligations of interactive computer service

1. A provider of interactive computer service shall, at the time of entering an agreement with a customer for the provision of interactive computer service and in a manner deemed appropriate by the provider, notify such customer that parental control protections (such as computer hardware, software, or filtering services) are commercially available that may assist the customer in limiting access to material that is harmful to minors. Such notice shall identify, or provide the customer with access to information identifying, current providers of such protections.



E. Effect on other laws

1. No effect on criminal law

Nothing in this section shall be construed to impair the enforcement of section 223 or 231 of this title, chapter 71 (relating to obscenity) or 110 (relating to sexual exploitation of children) of title 18, or any other Federal criminal statute.

2. No effect on intellectual property law

Nothing in this section shall be construed to limit or expand any law pertaining to intellectual property.

3. State law

Nothing in this section shall be construed to prevent any State from enforcing any State law that is consistent with this section. No cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section.

4. No effect on communications privacy law

Nothing in this section shall be construed to limit the application of the Electronic Communications Privacy Act of 1986 or any of the amendments made by such Act, or any similar State law

5. No effect on sex trafficking law

Nothing in this section (other than subsection (c)(2)(A)) shall be construed to impair or limit—

D. Obligations of these platforms

1. These websites must alert parents of any tools or services that may help parents keep these digital platforms family-friendly.

E. How Section 230 interacts with other laws

1. Section 230 does not protect websites if user-created content on that site breaks Federal criminal law.

2. Intellectual property law (e.g. copyright) is not covered by Section 230, meaning if a user uploads copyrighted material, the website can be held responsible. The Digital Millennium Copyright Act dictates how this might happen.

3. States can apply their laws to internet platforms so long as they are consistent with federal law.

4. Section 230 does not affect the Electronic Communications Privacy Act, a law governing email privacy.

5. Under FOSTA, an amendment passed in 2018, the law does not affect a platform's legal liability when it comes to claims regarding sex trafficking:



- a. any claim in a civil action brought under section 1595 of title 18, if the conduct underlying the claim constitutes a violation of section 1591 of that title;
- b. any charge in a criminal prosecution brought under State law if the conduct underlying the charge would constitute a violation of section 2421A of title 18, and promotion or facilitation of prostitution is illegal in the jurisdiction where the defendant's promotion or facilitation of prostitution was targeted.



- a. lawsuits against websites or internet platforms for violating federal law and enabling the sex trafficking of children;
- b. state criminal charges of conduct that is also illegal under federal criminal law like prostitution.

F. Definitions as used in this section:

1. Internet

The term "Internet" means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

2. Interactive computer service

The term "interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

3. Information content provider

The term "information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

4. Access software provider

The term "access software provider" means a provider of software (including client or server software), or enabling tools that do any one or more of the following:

- a. filter, screen, allow, or disallow content;
- b. pick, choose, analyze, or digest content; or
- c. transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.

