

104TH CONGRESS  
1ST SESSION

# H. R. 1978

To encourage and protect private sector initiatives that improve user control over computer information services.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1995

Mr. COX of California (for himself and Mr. WYDEN) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To encourage and protect private sector initiatives that improve user control over computer information services.

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 “Internet Freedom and  
5 Family Empowerment Act”.

6 **SEC. 2. ONLINE FAMILY EMPOWERMENT.**

7 Title II of the Communications Act of 1934 (47  
8 U.S.C. 201 et seq.) is amended by adding at the end the  
9 following new section:

1 **“SEC. 230. PROTECTION FOR PRIVATE BLOCKING AND**  
2 **SCREENING OF OFFENSIVE MATERIAL; FCC**  
3 **CONTENT AND ECONOMIC REGULATION OF**  
4 **COMPUTER SERVICES PROHIBITED.**

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

6 “(1) The rapidly developing array of Internet  
7 and other interactive computer services available to  
8 individual Americans represent an extraordinary ad-  
9 vance in the availability of educational and informa-  
10 tional resources to our citizens.

11 “(2) These services offer users a great degree  
12 of control over the information that they receive, as  
13 well as the potential for even greater control in the  
14 future as technology develops.

15 “(3) The Internet and other interactive com-  
16 puter services offer a forum for a true diversity of  
17 political discourse, unique opportunities for cultural  
18 development, and myriad avenues for intellectual ac-  
19 tivity.

20 “(4) The Internet and other interactive com-  
21 puter services have flourished, to the benefit of all  
22 Americans, with a minimum of government regula-  
23 tion.

24 “(5) Increasingly Americans are relying on  
25 interactive media for a variety of political, edu-  
26 cational, cultural, and entertainment services.

1 “(b) POLICY.—It is the policy of the United States  
2 to—

3 “(1) promote the continued development of the  
4 Internet and other interactive computer services and  
5 other interactive media;

6 “(2) preserve the vibrant and competitive free  
7 market that presently exists for the Internet and  
8 other interactive computer services, unfettered by  
9 State or Federal regulation;

10 “(3) encourage the development of technologies  
11 which maximize user control over the information re-  
12 ceived by individuals, families, and schools who use  
13 the Internet and other interactive computer services;

14 “(4) remove disincentives for the development  
15 and utilization of blocking and filtering technologies  
16 that empower parents to restrict their children’s ac-  
17 cess to objectionable or inappropriate online mate-  
18 rial; and

19 “(5) ensure vigorous enforcement of criminal  
20 laws to deter and punish trafficking in obscenity,  
21 stalking, and harassment by means of computer.

22 “(c) PROTECTION FOR ‘GOOD SAMARITAN’ BLOCK-  
23 ING AND SCREENING OF OFFENSIVE MATERIAL.—No  
24 provider or user of interactive computer services shall be  
25 treated as the publisher or speaker of any information pro-

1 vided by an information content provider. No provider or  
2 user of interactive computer services shall be held liable  
3 on account of—

4 “(1) any action voluntarily taken in good faith  
5 to restrict access to material that the provider or  
6 user considers to be obscene, lewd, lascivious, filthy,  
7 excessively violent, harassing, or otherwise objection-  
8 able, whether or not such material is constitutionally  
9 protected; or

10 “(2) any action taken to make available to in-  
11 formation content providers or others the technical  
12 means to restrict access to material described in  
13 paragraph (1).

14 “(d) FCC REGULATION OF THE INTERNET AND  
15 OTHER INTERACTIVE COMPUTER SERVICES PROHIB-  
16 ITED.—Nothing in this Act shall be construed to grant  
17 any jurisdiction or authority to the Commission with re-  
18 spect to economic or content regulation of the Internet or  
19 other interactive computer services.

20 “(e) EFFECT ON OTHER LAWS.—

21 “(1) NO EFFECT ON CRIMINAL LAW.—Nothing  
22 in this section shall be construed to impair the en-  
23 forcement of section 223 of this Act, chapter 71 (re-  
24 lating to obscenity) or 110 (relating to sexual exploi-

1 tation of children) of title 18, United States Code,  
2 or any other Federal criminal statute.

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

7 “(3) IN GENERAL.—Nothing in this section  
8 shall be construed to prevent any State from enforc-  
9 ing any State law that is consistent with this sec-  
10 tion.

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

12 “(1) INTERNET.—The term ‘Internet’ means  
13 the international computer network of both Federal  
14 and non-Federal interoperable packet switched data  
15 networks.

16 “(2) INTERACTIVE COMPUTER SERVICE.—The  
17 term ‘interactive computer service’ means any infor-  
18 mation service that provides computer access to mul-  
19 tiple users via modem to a remote computer server,  
20 including specifically a service that provides access  
21 to the Internet.

22 “(3) INFORMATION CONTENT PROVIDER.—The  
23 term ‘information content provider’ means any per-  
24 son or entity that is responsible, in whole or in part,  
25 for the creation or development of information pro-

1 vided by the Internet or any other interactive com-  
2 puter service, including any person or entity that  
3 creates or develops blocking or screening software or  
4 other techniques to permit user control over offen-  
5 sive material.

6 “(4) INFORMATION SERVICE.—The term ‘infor-  
7 mation service’ means the offering of a capability for  
8 generating, acquiring, storing, transforming, proc-  
9 essing, retrieving, utilizing, or making available in-  
10 formation via telecommunications, and includes elec-  
11 tronic publishing, but does not include any use of  
12 any such capability for the management, control, or  
13 operation of a telecommunications system or the  
14 management of a telecommunications service.”.

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