| AMENDMENT NO | Calendar No |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Purpose: To improve | the bill. |
| IN THE SENATE OF T | HE UNITED STATES—116th Cong., 2d Sess. |
| | S. 4632 |
| native dispute r claims, to amen modify the scop | nited States Code, to establish an alter- resolution program for copyright small d the Communications Act of 1934 to be of protection from civil liability for n'' blocking and screening of offensive to other purposes. |
| | nmittee on and ordered to be printed |
| Ordered to li | e on the table and to be printed |
| | nded to be proposed by Mr. HAWLEY to o) proposed by Mr. GRAHAM |
| Viz: | |
| 1 On page 64, | line 10, insert "or the terms of service |
| 2 of the provider" a | fter "United States". |
| 3 On page 66,4 "others.". | line 11, strike "others."; and" and insert |
| 5 On page 66,6 lowing: | between lines 11 and 12, insert the fol- |
| | |

| 1 | (C) PRIVATE RIGHT OF ACTION.—A per- |
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| 2 | son aggrieved by an action taken by an edge |
| 3 | provider voluntarily to restrict access to or |
| 4 | availability of material that is not taken in good |
| 5 | faith may bring a civil action against the edge |
| 6 | provider in any court of competent jurisdiction |
| 7 | to obtain— |
| 8 | "(i) the greater of— |
| 9 | "(I) damages of \$5,000; or |
| 10 | "(II) actual damages; |
| 11 | "(ii) a reasonable attorney's fee; and |
| 12 | "(iii) costs and other expenses de- |
| 13 | scribed in sections 1821 and 1920 of title |
| 14 | 28, United States Code (or, in the case of |
| 15 | an action brought in State court, any simi- |
| 16 | lar costs and other expenses)."; and |
| | |
| 17 | On page 67, strike line 7 and all that follows through |
| 18 | page 68, line 3 and insert the following: |
| 19 | (3) in subsection (f)— |
| 20 | (A) in paragraph (3)— |
| 21 | (i) by striking "The term" and insert- |
| 22 | ing the following: |
| 23 | "(A) IN GENERAL.—The term"; and |

| 1 | (ii) by adding at the end the fol- |
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| 2 | lowing: |
| 3 | "(B) Responsibility.—For purposes of |
| 4 | subparagraph (A), being responsible in whole or |
| 5 | in part for the creation or development of infor- |
| 6 | mation— |
| 7 | "(i) includes any instance in which a |
| 8 | person or entity— |
| 9 | "(I) affirmatively and sub- |
| 10 | stantively modifies the content of an- |
| 11 | other person or entity; or |
| 12 | "(II) editorializes with respect to |
| 13 | the content of another person or enti- |
| 14 | ty; and |
| 15 | "(ii) does not include a change to the |
| 16 | format, layout, or basic appearance of the |
| 17 | content of another person or entity."; and |
| 18 | (B) by adding at the end the following: |
| 19 | "(5) Edge provider.—The term 'edge pro- |
| 20 | vider'— |
| 21 | "(A) means an entity that— |
| 22 | "(i) provides an interactive computer |
| 23 | service— |
| 24 | "(I) through a website, online ap- |
| 25 | plication, or mobile applica- |

| 1 | tion(including a single interactive |
|----|------------------------------------------------|
| 2 | computer service that is provided |
| 3 | through more than 1 such website or |
| 4 | application); |
| 5 | "(II) through which information |
| 6 | provided by another information con- |
| 7 | tent provider is distributed; and |
| 8 | "(III) that, in any month during |
| 9 | the most recently completed 12-month |
| 10 | period— |
| 11 | "(aa) more than 30,000,000 |
| 12 | users in the United States |
| 13 | accessed, without regard to the |
| 14 | means by which the users |
| 15 | accessed the service; or |
| 16 | "(bb) more than |
| 17 | 300,000,000 users worldwide |
| 18 | accessed, without regard to the |
| 19 | means by which the users |
| 20 | accessed the service; and |
| 21 | "(ii) during the most recently com- |
| 22 | pleted taxable year, had more than |
| 23 | \$1,500,000,000 in global revenue; and |
| 24 | "(B) does not include an organization de- |
| 25 | scribed in section 501(c) of the Internal Rev- |

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1 enue Code of 1986 that is exempt from taxation

2 under section 501(a) of such Code."; and